

Xia's Amended Counterclaim

*Notice: I filed the counterclaim on Sept 21, 2018 and served through email to the plaintiff's attorneys with an updated version on Sept 23, 2018, yet this updated version failed to reach the clerk and file to the court. Therefore, now I apologetically making it up with filing to the court with the same copy of updated version sent to the plaintiff's attorneys on Sept 23, 2018.*

*David Yeliang Xia*

*Defendant pro se*

*Dec 3rd, 2018*

## United States District Court

For the

## Eastern District of Virginia

WENGUI GUO )

a/k/a MILES GUO )

781 Fifth Ave, 18<sup>th</sup> Floor )

New York, New York 10022 )

----- )

Plaintiff/counter defendant )

v. )

Civil Action No. 1:18-cv-00174

David Yeliang Xia )

3151 Graham Rd )

Falls Church, VA 22042 )

----- )

Defendant/counter plaintiff

## Amended Counter Claim

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NOW COMES the Defendant, Yeliang Xia, a *pro se* litigant, states the following as Amended Counterclaims.

Defendant/Counter-Plaintiff Yeliang Xia ("Xia"), a *pro se*, by order of this court, as and for his amended counterclaims in this proceeding against Plaintiff/Counter-Defendant Wengui Guo, a/k/a Miles Guo ("Guo"), hereby state as follows:

**Preliminary and Factual Background**

**Summary background of Defendant/Counter-Plaintiff "Xia"**

1. Xia is an active and well-known advocate for individual liberty, constitutional democracy and fundamental institutional change for China, he's a resident of Virginia since 2014.
2. Xia got his Ph. D degree in Economics from Fudan University, China in June 2000 and became a post-doctoral fellow at Peking University, teaching courses on Economics at PKU since July 2000, and was fired and forced to leave China and join a think tank in Washington DC in 2014.
3. Xia, Defendant is a well-known scholar and political dissident. Defendant got the award of 2014 Annual Award for Civil Courage (Oct.2014).
4. Xia, Defendant is a co-founder of a Chinese think tank of libertarianism---Cathay Institute of Public Affairs (or Jiuding 九鼎). The Defendant was one of the initiators and first group of signees of Charter 08, for which Dr. Liu Xiaobo was awarded the Nobel Peace Prize in 2010.
5. Xia, Defendant testified at U.S. Congressional hearings in Dec 5, 2014, on CCP's infiltration in US universities (Is Academic Freedom Threatened by China's Influence on US Universities?).
6. Xia, Defendant was often invited to give talks and presentations and has delivered speeches at more than 100 universities and NGOs, including UC Berkley, UCLA, Stanford, NYU, Columbia, CUNY, etc.
7. Xia, Defendant obtained a PhD of Economics from Fudan University, completed Post-doctoral research in CCER, Peking University and was a professor of economics at school of economics, Peking

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University. He was a visiting scholar/visiting fellow at UC Berkeley, UCLA, Hoover Institution, Stanford, Wellesley College and Cato Institute (a libertarian think tank in Washington DC).

8. Xia, Due to Defendant's advocacy of constitutional democracy, individual liberty, rule of law, and human rights activities in China, he was fired by Peking University under pressure of the top leadership in China. Those were repeatedly reported and conformed by international mainstream media, human rights organizations.
9. Xia, Defendant frequently gives opinions and writes articles on mainstream media. The Defendant's op-ed appeared on Foreign Policy, Financial Times, Morning Consult, etc. Defendant wrote academic papers, edited academic books, both in English and Chinese.
10. Plaintiff's so-called whistle-blowing since Feb.2017 aroused huge attention and controversy, and it is a hot issue related to public interest. Defendant has just exercised his right of free speech to make comments on public incidents.

**The concise background of Plaintiff/Counter-Defendant**

11. Guo, Plaintiff is a voluntary public figure, and as such is unable to meet the heightened burden of proof to sustain the claim.
12. Plaintiff's stories were reported by New York Times, Wall Street Journal, Financial Times, Associated Press, Reuters, CNN, BBC, CNBC, the Guardian, Voice of America, RFI, Radio Free Asia, South China Morning Post, Forbes, and many other media in English, Chinese and other languages.
13. The fact that Plaintiff was accused of rape was also widely reported by AP, CBS, New York Post, Reuters and many other media.
14. Plaintiff's twitter, Facebook and YouTube channel, which he frequently updated, attracted hundreds of thousands of followers. Plaintiff stated in his complaint, he has the largest number of followers among all Chinese Twitter users. (Complaint No.4), which is not true.
15. Tens of hundreds of bloggers, netizens and political commentators made comments, both favorably and unfavorably, on Plaintiff's so-called whistle blowing and many unproven stories of sexual scandals.

**The First Affirmative Defense: PRIVILEGE: TRUTH and SUBSTANTIAL TRUTH**

16. Defendant affirmatively asserts that all statements and comments by Defendant about Plaintiff were true with reachable sources or evidences, and thus, cannot be the basis for a defamation action.

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17. Defendant's comments and analysis were based on verdict, official documents and authoritative media reports and thus, cannot be the basis for a defamation action. The Defendant's statements contained no provably false assertions of fact.

**The Second affirmative defense: PRIVILEGE –WIRE SERVICE**

18. Defendant has specified the resources of information and quotes in his questions, comments and criticisms, some came from the mainstream media such as New York Times, Wall Street Journal, Financial Times, etc. Some of the Defendant's statements are based on reports and information previously published by these reputable news outlets.
19. Many comments and opinions are based on what Guo told to the public and related reports from media both in China and overseas.

**The Third affirmative defense: PRIVILEGE –FAIR COMMENT AND OPINION**

20. All statements and comments made by Defendant about Plaintiff were made by the Defendant with good motive and were fair comments and opinions, not facts.
21. The Defendant does not know Plaintiff personally.
22. The Defendant absolutely has no actual malice, as a public figure, Plaintiff must prove that Defendant has malicious intention targeted at Plaintiff.

**The Fourth affirmative defense: UNCLEANHANDS**

23. Plaintiff maliciously and repeatedly defamed and is still defaming the Defendant and other journalists and scholars who criticized him, including Teng Biao, human rights lawyer and scholar; Hu Ping, well-known dissident and scholar; Wei Shi (Meng Weican), Editor-in-chief of Boxun News and journalist Sino (Xiong Xianmin); scholars including Li Weidong, Zhang Lifan, etc.
24. Plaintiff has hired a chain of gangs and mobilized his gang supporters to enforce repeat scurrilous online attacks against these persons, causing extreme distress to the victims and their family members, and annoyed many exiled dissidents.
25. Plaintiff also used illegal methods such as cyber-attacks, stalking, intimidation and unlawful audio and video recording to threaten and harass journalists and pro-democracy figures who have criticized him.
26. Plaintiff used extremely humiliating words to curse Ma Rui who was reportedly raped by Plaintiff. ("People would rape a pig rather than raping her"). Plaintiff also deliberately humiliated his female employees, female high ranking official, some female popular stars and an internationally awarded female journalists Hu Shuli.
27. Due to Plaintiff's slander and libel, he has been sued by movie star Fan Bingbing, real estate developer Pan Shiyi, Caixin Magazine, journalists including Hu Shuli, Wei Shi, senior official Huang Yan, and many others.

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28. Guo, Plaintiff publicly offered a reward (\$100,000) calling for any accusation of "sexual assault"(even claimed that no evidence from the accuser is required) by 8 people who have critical opinions of Plaintiff, including Xia, the Defendant. Guo added that "no evidence is necessary for the accusation, you'll get \$100,000 cash immediately as soon as you signed an agreement with my attorney".
29. Plaintiff has maliciously filed lawsuits for defamation against his critics, including the Defendant, Teng Biao, Sino (Xiong Xianmin, the journalist), Li Hongkuan (a freelance commentator at YouTube), etc. Plaintiff claimed that he prepared to sue 91 persons in total.
30. Defendant believes that the purpose of these lawsuits is to retaliate and silence the people who have oppositional opinions with him.
31. Defendant believes that the series lawsuits Plaintiff has maliciously filed constituted SLAPPs.
32. Plaintiff worked for an extended period for China's Ministry of State Security. On several occasions Plaintiff was commended for his meritorious service as a spy.
33. Plaintiff has written a letter pledging his allegiance to Xi Jinping and the Chinese Communist Party. He himself publicized the letter on August 31,2017.
34. In Plaintiff's letter, he refers to his previous explosive revelations as "doing things against my will and saying things I do not really mean." He earnestly requests that the "respected leaders" "give me detailed instructions, in writing," "please assign me with tasks to accomplish in furtherance of our national interest and Chairman Xi's global strategy," "please allow me to devote my influence and resources to serving Chairman Xi's Chinese Dream," and "apply me to serve Chairman Xi and our nation."
35. For above-mentioned sayings, Defendant can only suspect that the attacks Guo has launched against exiled pro-democracy figures are in accordance with the intentions of the Chinese government, and that he continues to act as a secret agent in service to the party-state on U.S. soil.
36. The doctrine of unclean hands "'gives expression to the equitable principle that a court should not grant relief to one who is a wrongdoer with respect to the subject matter in suit.'" (quoting *Faustin v. Lewis*, 85 N.J. 507, 511 (1981)).
37. Plaintiff curse and smear Defendant frequently in his video speech and twitter (almost every time) and call Defendant an obviously insulting name "hemorrhoids Xia", thousands of his supporters and hired team members called the insulting name to refer Defendant and some have circulated a cartoon with insulting image of Defendant.
38. Plaintiff's irrational attack and out of control of his behavior show his defects in character and abnormal psychological status. Plaintiff's extreme acts have gone beyond bounds of decency.
39. Having been harassed and persecuted by CCP and the Chinese regime for many years, Xia, Defendant/counter plaintiff could hardly afford to hire a lawyer and has to deal with the case as a pro se litigant.

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40. The lawsuit disturbed Defendant's daily life and regular work, the baseless and frivolous lawsuit brought emotional distress and anxiety to Defendant and his family members, even caused lapse of memory, neurasthenia, hyposomnia, inappetence, etc. to Defendant.

**How did Xia get to know Guo**

41. Xia has no personal or work relationship with Guo and has never met Guo.
42. In fact, Xia barely knows Guo's existence, before or about 2015, until an investigative article on Caixin Magazine in March 2015 revealing Guo and Guo's business activities in China.--(<http://china.caixin.com/2015-03-25/100794575.html>) In this article, material facts were reported that Guo fled China for the 4<sup>th</sup> time since August 2014, in a 20 billion RMB share market value business dispute with his then business partner, You Li, the Chairman of Fangzheng Securities.

In or about December 2014, You Li reported Guo and Jian Ma to the Chinese authorities and within days, resulted in Jian Ma, the then vice minister of **Ministry of State Security (MSS)** to be investigated by China Government for corruption charge and, by material facts revealed later, the abuse of his power of managing enterprises' matter in the name of secret state security work in assisting Guo's business illegally.

You Li was later convicted of insider trading, and Jian Ma is still under investigation by the authorities. On information and belief, Guo is still a person of interest subject to this on-going case in China.

43. Since then, Guo started to be known to the public by many Chinese and international media articles and news broadcasts, with enormous material facts associated with Guo's business and personal history, which on information and belief, are to the vast majorities, negative.
44. Xia began to learn more about Guo from the wild-spread information from newspapers, on the TV and internet. Xia gradually forms a view of Guo with numerous material facts and ordinary judgments. That is a natural process for a person like Xia in his background and knowledge, both personally and academically.
45. However, Xia had little interest in talking about Guo at that time since the main focus of Xia is still on the public matters of China rather than a particular person, until about early 2017, when Guo out-of-blue broke the silence to publicly speak out about himself and his long and complex stories, mainly via social media platforms, such as twitter, facebook, YouTube, Instagram, and lately his own social media platform, Guo-media.com.
46. After Guo voluntarily turned out to be a public figure and alleged to reveal secret corruption activities of senior level China officials, in his own words: "the revolution of secrets exposure" with "*the evidences in his hand that will shock the world*"; the revelation of the secrets "*will cause China Communist Party (CCP) to collapse within 5 minutes*". --See,

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<https://www.youtube.com/watch?v=Jx9uP2GhcRY>

47. His allegations received lots of public interest from public, who are in a general belief that with Guo's spy background and unveiled secret relationship with some high-ranking officials in China, he might be a person that will provide the concrete material facts or convincing evidences to support his allegations and address the concerns of people to better understand current China.
48. Thus, at the beginning stage Guo gathered huge attention from the world and was put under the spotlight. Guo was interviewed by many media outlets, such as *New York Times*, *Wall Street Journal*, *Financial Times*, *VOA*, *RFA*, *BBC*, etc. More phenomenally, Guo resorted to the social media platforms and told his stories at his own will.
49. The openness and highly freedom of speech in the internet world without arbitrary censorship, especially in US, gives Guo a great chance to make his voices heard.
50. However, also because of the same nature of the cyber world, Guo abuses his right of freedom of speech on this platform and turns it to a propaganda campaign to tell lies, make allegations without any material facts or with fabricated facts, defame many people intentionally or recklessly, and eventually, uses this platform to pledge his loyalty to China's dictatorial regime and waves a smear campaign in actions towards the members of overseas China pro-democracy movement, including Xia.
51. Guo's online activities has a pattern that: firstly, built the influence by making sensational yet unfounded allegations against Chinese government, drawing attention from people, then used this influence as bargaining chips to advance his negotiation with Chinese government for special treatment of his crime's investigation.

With this intent in mind, Guo approached a subtle way to cause maximum sensationalism by delicate allegations that eventually unfounded and with no actual significant harm. To further enhance his negotiation power, Guo at some point, shifted to a smear campaign to the overseas China pro-democracy movement and many of its members, who are politically categorized as the "state enemies" by Chinese dictatorial regime.

52. Also, enormous material facts and Guo's self-admitted activities works to the contrary to his self-claimed "Chinese political dissident" status, which on information and belief, is designed delicately to serve his twin major objectives of obfuscating his criminality and increasing the odds that his pending political asylum application is granted.
53. Guo's go-public strategy since the early 2017 makes him a very controversial public figure under the scrutiny of public, more and more information and numerous material facts were dug out and spread on the media and internet, which are overwhelmingly disastrous to his self-claimed "Chinese political dissident" status and innocent businessman self-claim.

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What is more, too many lies, and broken promises told by Guo are so obvious and too many allegations made by Guo in his remarks to the public are **absurd, baseless, fabricated, fake and/or out of evidence.**

54. Guo's credit was soon challenged by many of his former supporters and neutral observers, based on enormous material facts and/or common sense, or sometimes simple logic analysis.
55. Subsequently, since or about middle 2017, Guo's credibility and reliability in both his story-telling and his personality has totally shattered to the rock-bottom and all major media with established credential turns their back on Guo.

The audience and viewers on to Guo's social media accounts also drop free-fall and all major social media platforms froze or suspended Guo's accounts repeatedly due to his violation of social media user's rule. Only Guo's die-hard gangs still spread Guo's one-man talk-show.

56. Guo's Guo-media.com was created and first initiated online in or about January 2018. Guo still actively speaks out online by posting his remarks in writing and live streamed videos in his account, mainly to his die-hard followers, but at less frequency.
57. As an experienced commentator on political and economic issues in China, a scholar with the background of economic training Xia is also an observer of the development associated with Guo, after Guo is known to the public in such a high-profile manner.
58. Xia often receive invitations from the domestic and international media, in making commentary interviews, providing opinions, making analysis and writing articles about Guo's allegation and/or hot topics in associated with Guo.
59. Nevertheless, based on the material facts and formed view towards Guo, Xia is one of the few people that at the earliest stage publicly pointed out that most of the sensational allegations made by Guo are so lack of any material facts, cross-references or nearly impossible to be verified. Xia also criticized the credibility in Guo's story telling based on his obvious lies.
60. If a person deliberately tells lies after lies, breaks promises after promises, he is a liar; if the person is confident in deliberately telling more and more lies, he is a big liar; if the person is so confident in deliberately telling more and more lies in public to the world, he is a talented liar; but if the person is so confident in deliberately keep telling more and more lies in the public to the world, even after the public already knows the only true thing the person is doing is telling the lies, then he is just a liar who is fooling himself, but no others. Unfortunately, Guo happen to be such a person.
61. Therefore, in or around April 2017 after Guo, who already became the public interest of general public among the audience of Chinese net community, on limited occasions Xia



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made some remarks on certain issues about Guo and the stories associated with Guo, of which are nothing more than the fair comments and personal opinions based on sufficient material facts available to the general public and own ordinary judgment, or sometimes simply a relay of material facts by reference to other sources that is already known to the public.

62. There are not any fabric facts or false statement of the facts in Xia's fair comments and opinion. Xia's constitutional rights of free speech has nothing to do with any actual malice in causing harm to Guo's reputation, which had already been self-destroyed by Guo on many occasions.
63. Despite of limited fair comments based on the material facts made by Xia, Guo on his own or by explicit or implied instructions to some of his social media followers, which in his own words, "fellow soldiers", "twitter friends" and "little ants", to whom that some material facts shows Guo had direct or indirect personal contact and evidenced financial support, mobilized a deliberate campaign, either online or in real life, against many of his criticizers, or even people who just disbelieve or disagree with some elements of his many absurd, fancy, illogical and unrealistic stories.
64. Guo mainly targets the overseas China pro-democracy movement and its members, including but not limited to activists advocating liberal democracy, human rights and rule of law in China, and accordingly were expelled or forced to leave their home country by the current dictatorial regime.

Among them, Xia is one of the victims of Guo's malicious campaign in defamation, cyber harassment, intentionally inflicting emotional distress, intentionally causing chilling effect by SLAPP style suits. Material facts also show that in some cases Guo is the person even aiding and abetting others in the commission of crimes.

#### **The summary background of Plaintiff/Counter-Defendant**

65. Guo is a notorious billionaire in control of many registered yet unoperated or fake companies, both in China and overseas. According to Forbes Chinese Fortune 500 List in 2016, Guo was ranked the 133<sup>rd</sup> richest man in China with an estimate of RMB 17 billion in fortune.

However, on more than two occasions in Guo's interview with media and his live-streamed videos on social media platforms such as Twitter, YouTube, he publicly stated that this Forbes list 2016 severely underestimated his fortune and his fortune had reached more than US\$120 billion.

66. Guo lives in New York, since 2014, with a very luxury lifestyle. His apartment in Sherry Netherland was purchased at price of \$67.5 million or so in cash in 2016 by a company of which Guo is the sole shareholder.

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67. On information and belief, Guo has at least 2 private jets worth of multi-million US dollars, 2 luxury yachts worth of another multi-million US dollars. In addition, Guo has at least one water-view mansion in HK, worth of 1.5 billion HK dollars purchased in 2011, at least one luxury house (unknown value) in UK currently lived by Guo's wife and children, and up to 43 apartments (RMB 3.5billion market value approximately) in China owned /controlled by Guo and/or his family and/or companies under Guo's direct control.
68. In the November 15, 2017 HBO Show of VICE News Tonight, as shown in 1 <https://youtu.be/LkOsgH5kcgQ?t=402> Guo stated that "I have the wealthy life that everyone in the world dreams about. I have the biggest house in Hong Kong, thousands of square meters. I have the most luxurious apartment in London. I have the biggest courtyard compound buildings in Beijing (more than 10 properties in Pangu). I have two private jets. I have the most advanced yachts. I have hundreds of race cars. I have an apartment like this in New York." Upon information and belief, Guo owns at least \$50 billion and thus is very powerful financially.
69. In the June 30, 2017 live-streamed YouTube interview with Chen Xiaoping, as shown in 2, GUO stated that he owns 12 <https://youtu.be/LkOsgH5kcgQ?t=402> 120 billion RMB (about 19 billion USD) assets in China, and his family funds owns/manages \$28 billion outside China. GUO also stated that he owns at least 5 luxurious apartments in New York with a total estimated value about \$0.35 billion, and his annual expense just for his apartments in New York, his airplanes, and his yacht, was at least \$150 million.
70. Upon information and belief, Guo's education background is only about five years in primary school, and he has little technical/management/finance skills, and has no inherited wealth, which are necessary and basic pre-requirements to become a billionaire in China. Guo repeatedly stated that all his money and wealth were completely clean, which means he made money through legal business and hard working.

However, Guo accumulated his wealth most likely through blackmail, robbing, cheating, money laundering, and tax evasion, especially with helps of the MSS and other Chinese spy agencies to spy/threat/blackmail other businessmen or high-ranking officials.

71. MSS is China's spy agency which is similar to KGB in former Soviet Union. It has the privilege and uncontrolled power, its regular tasks contain monitoring/arrest/jail or even murder whoever it was instructed to kill. In fact, MSS maintains a database which includes videos/tapes/profiles that can be used as evidences to put any Chinese into jail, including President Xi Jinping, as long as MSS wishes to do so. With MSS and GHID as his backup forces, Guo can make big money easily, it's actually a robbery with uncontrolled power of

<sup>1</sup> <https://youtu.be/LkOsgH5kcgQ?t=402> (6:41 – 7:04)

<sup>2</sup> <https://youtu.be/LkOsgH5kcgQ?t=402> (59:21 – 1:02:01)



the secret police.

72. As shown in <https://youtu.be/lnQol9c1lp4>, Ma Jian confessed that he had helped GUO to monitor/threaten/blackmail Xie Jiansheng over 18 months, eventually got some video tapes or evidences that can put Xie Jiansheng into prison. Then GUO blackmailed Xie Jiansheng to surrender his business and wealth to GUO. GUO forced Xie to go to other countries to avoid being arrested by MSS in charge by Ma Jian. GUO made multi-billion RMB by simply blackmailing Xie Jiansheng, a businessman in Henan Province.
73. On July 13th, 2001, Beijing was declared as sponsor of the 2008 Olympic Games. Since then, real estate in Beijing became very profitable. However, only those Chinese businessmen who have close relationships with government officials could get Olympic related projects in Beijing.

Upon information and beliefs, Lin Qiang and Lin Di are brothers and both of them worked as senior leaders of the CCPLA, which is the parent body of MSS and some other Chinese intelligence agencies. With helps of Lin Qiang and Lin Di, and some other Chinese top officials, GUO won a high-profit project—to build Pangu Plaza—a luxury hotel/office building dedicated to the Olympic Game in Beijing.

GUO got the Pangu Plaza project through privilege power of Chinese intelligent agencies. However, after two years construction, in 2005, GUO's Pangu Plaza project turned out to be a failed project—it had contractual dispute and had about 0.3 billion RMB in arrears. Mr. Liu Zhihua, Deputy Mayor of Beijing in charge of the Olympic related construction projects during the period, had to overrule the Pangu Plaza project and put it on bidding to other interested investors.

Through bidding, Beijing Capital Land Corp. got the land that was originally assigned to Pangu Plaza. Then Liu Zhihua and whoever took over this project became enemies of GUO and need to be destroyed.

74. In order to get back the Pangu Plaza project, GUO started to destroy Liu Zhihua through false accusation and blackmail. On May 11, 2017, GUO published a video recording of himself to his “郭文贵” YouTube account, as shown in <https://youtu.be/usXlqlb18G0> (18:00 - 27:22)<sup>3</sup>, wherein GUO described details about how did he work with Ma Jian and other Chinese senior spies of MSS to blackmail Liu Zhihua.

GUO, along with a group of other spies led by Ma Jian, had started to monitor and follow Liu Zhihua since 2004, so that they could collect evidences to send Liu Zhihua to jail. GUO eventually got tapes that Liu Zhihua dating with other females. Then, based on such kind videos, Liu Zhihua was arrested on June 9, 2006, and sentenced to death!

<sup>3</sup> <https://youtu.be/usXlqlb18G0> (18:00 - 27:22)

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75. Liu Xiaoguang, the Chairman of the Beijing Capital Land Corp., who got the land that was originally through bidding, was arrested on June 16, 2006. Mr. Jin Yan, who was in charge for that bidding, was also arrested. Only three months later, GUO got back the lots for Pangu Plaza project, with which GUO made multi-billion USD.
76. On May 6, 2017, GUO published a video recording of himself to his “郭文贵” YouTube account, as shown in <https://youtu.be/RaA6DVaXFwg> wherein GUO stated that Ma Jian helped him to monitor Liu Zhihua day and night to get/create the desired videos which sent Liu Zhihua to death.
77. Guo was unknown to Xia before 2015, until his flee from China and became a controversial public figure.
78. The significance of this incident is: along with the collapse of Jian Ma, one of the most powerful “umbrellas” of Guo and his abnormal activities of business in China, many material facts started to surface about Guo.
79. In the confession of Guo in his live interview with media and live-streamed videos on social media platforms, Guo had a very close working relation of corruptive collusion with Jian Ma, the executive vice minister and his **Ministry of State Security (MSS)** in a status of “secret work for business benefit” and because of Guo’s special contribution to MSS, Guo boasted that he received **3 first-class medals of merits from MSS**--(for example, in 04 May 2017 Guo’s interview: <https://novom.ru/ru/watch/WMKF2z0MQ5Y>, 47:30-56:00). In this video, Guo also admitted that **MSS** wrote more than 140 official letters for him in his business.
80. There was also video posted on YouTube in which Jian Ma was apparently making a confession in a video-taped investigation period. In this video posted online on 19 April 2017, Jian Ma confessed that he ordered the powerful department under his charge to intervene on many occasions in assisting Guo’s business dealing by sending official letters to other parties demanding co-operation with Guo to assist the work for state security and so-called national interests.

Jian Ma also confessed that he had coordinated his relationship with local Political & Legal Committee to persecute the business partners or rivals of Guo and help Guo in getting control of assets of other parties. --See <https://www.youtube.com/watch?v=h-DcwD68V2g>

81. Long Qu was one of victims in Guo’s scheme and were sentenced 15 years in jail, but later acquitted after Jian Ma’s collapse. Long Qu stood out to tell his ordeals caused by Guo in 2017. --see <https://youtu.be/LVlar4vRnQU> (0:07-1:10) and <https://youtu.be/ggbzi16raZo> (9:24 – 13:00) (32:10-33:18) (36:56-39:27).

Some other victims, for example, Jiansheng Xie and Jiefu Zheng, also stood out and told



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Some other victims, for example, Jiansheng Xie and Jiefu Zheng, also stood out and told their ordeals in which Guo had exercised undue influence and utilized Jian Ma and his other powerful friends in provincial powerful Political & Legal Committee to grasp hundreds of million RMB company assets from the victims.

82. Jiansheng Xie and Jiefu Zheng were personally interviewed by Xianmin Xiong (aka. Sino), a reporter of Boxun.com. Boxun.com published the investigative articles online in 2015. It is also worth noting that Xianmin Xiong, his employer boxun.com, Shi Wei, a pro-democracy activist and the founder of boxun.com, were also among the victims of Guo's SLAPP style lawsuits, suffered severely by Guo's **defamation, harassment, stalking, blackmailing, internet hacking** activities for years.
83. In his confession Jian Ma also admitted that he had received a Beijing real property worth of 20 million RMB from Guo. To which on information or belief Guo have never denied so far. Also, in Guo's live interviews or live-streamed videos at least on one occasion he admitted that the MSS has several offices set up in his Pangu 7-star Hotel in Beijing and he was working as the unofficial agent doing "covert intelligence work disguised in business" for **MSS and intelligence division in China Army Headquarter**.
84. Since early 2017 to date, Guo is active in social media platforms, and thousands of live-streamed videos were made online by Guo. In all his videos he speaks in Mandarin and based on information and belief, Guo has very limited knowledge of English.
85. As an individual defendant/counter-plaintiff in *pro se* in this apparent SLAPP-style suit, Xia is understandably impossible to carefully and completely check every piece of material fact and thus is already inherently disadvantaged in this proceeding. Therefore, the below facts stated by Xia are largely depended on his memory and all material facts available in the public, mainly by online search.
86. However, the material facts currently available to Xia are still enough to sketch the history and personality of Guo, rebut his lies and misstatements in his claim and support Xia's counterclaim against Guo.

#### **Guo's criminal offences/charges, lies and means of wealth accumulation**

87. Guo has a track record of criminal offences and/or charges, in which the first one can be dated back to May 1989.
88. Although the plaintiff sought to portrait himself as a Chinese political dissident, and on more than one occasion in his public speeches tried to attribute his first jail experience in

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May 1989 to his financial support to students in June 4<sup>th</sup> movement 1989 in China, it turns out that he was charged, detained and then convicted of **fraud** for about 7000 RMB Yuan in May 1989.

89. Further to say, based on the common sense of general public who has the memory of that June 4<sup>th</sup> Movement, and the recall of the historian expertise in 1989 Tiananmen June 4<sup>th</sup> movement, Renhua Wu, there is no any records, documents or individual samples that any students or student movement supporters ever be charged by simply financing and/or showing sympathy to the student initiated movement before the date of June 4<sup>th</sup> Massacre began.

The political environment at the top-level China officials at that time was still unclear and the citizens in China were still supporting the students by donating money and supplies to the students all over China, it is impossible that a local county authority had the political motive to frame Guo to prison on such ground. And the evidences of Guo's this conviction was so substantial, that most people, including Xia who also had personal experience of that period just refuses to believe Guo.

90. Things about Guo's "first bucket of gold" seems true in his public speech that his development of YuDa building in Zhengzhou, Henan province gave him big fortune and later in or about 2002, he shifted his business to Beijing and set his company Zenith Holding Company and paved the way to his future business operation.

But after Guo's flee from China 2014, material facts have also been revealed and reported that the YuDa project of Guo had **bribery** link to the then Zhengzhou Mayor and Henan provincial senior officials (Youjie Wang and Faliang Shi) and resulted in their corruption conviction of suspended death penalty and life sentence respectively.

Also, Guo's YuDa Real Estate company had dozens of civil litigations against it in debt collection and in 2015, the senior employees of YuDa Real Estate, of which some are Guo's close family members, were charged of RMB 1.4 billion **mortgage fraud** in 2008-2015 and sentenced in 2017. The convicted all claimed that they were committing the crimes under the **direct instruction of Guo**. Guo is still the fugitive accused in this case. ---See <https://www.scmp.com/news/china/money-wealth/article/2105416/fugitive-chinese-tycoons-niece-and-finance-chief-guilty>

<https://www.scmp.com/news/china/policies-politics/article/2102370/guo-wengui-told-property-firm-executives-fraudulently>

91. Zenith Holding Company, which is wholly controlled by Guo, in the RMB 20 billion share market value business dispute with his then business partner, You Li, finally fused Guo's flee



fugitive accused of committing **force trade and misappropriation crimes**.

The court document confirmed that Guo had used Jian Ma to utilize power and force other shareholders with priority shares to abandon the acquisition, so Guo finally got control of Minzu securities company with over 11.9 Billion RMB (1.75 Billion US\$) illegal gains.

--see, <https://www.caixinglobal.com/2018-08-21/former-staffers-of-guo-wengui-confess-in-coercive-takeover-101316989.html>  
<https://www.caixinglobal.com/2018-07-30/fugitive-tycoon-charged-with-coercion-in-brokerage-takeover-101309940.html>

92. In March 2015, an investigative article published on Tencent Finance revealed some secret of Guo and his Pangu Investment Company's landmark Panyu 7-star hotel near Beijing 2008 Olympic Arena.--(See <https://xw.qq.com/cmsid/NEW201503240423200F>). Guo's company acquired the land in 2002.

Yet Guo did not raise enough fund to develop this land and the land was withdrawn from Guo's company in May 2006 under Beijing's municipal Olympic planning. Zhihua Liu, the then vice mayor of Beijing oversaw this planning. In June 2006, Liu was put under investigation due to a secret sex video tape of Liu and his mistress. Then Guo regained land and finally developed Panyu hotel, which is one of Guo's core assets.

After Jian Ma's collapse in January 2015, it turned out to the public that the secret video tape was recorded by Guo's team with the assistance from Jian Ma's **MSS**. Guo reported the secret sex tape to the senior level officials and Liu was later sentenced to suspended death penalty due to his corruption activities. In Guo's interviews with media in 2017, he admitted his involvement in this incident. --see, <https://www.reuters.com/article/us-china-corruption-tycoon/exiled-chinese-tycoon-fraudulently-obtained-big-loans-employees-tell-court-idUSKBN1900DL>

93. The latest legal documents revealed in late July of 2018 by media shows that Guo, his son and daughter and their related companies in HK was suspected of **money laundering** in HK in a scale of **US\$ 4.2 billion** and the case is still under investigation in HK.

--see, BBC: <https://www.bbc.com/zhongwen/simp/chinese-news-45197864>

South China Morning Post:

<https://www.scmp.com/news/hong-kong/hong-kong-law-and-crime/article/2159724/hong-kong-police-investigating-fugitive>

RFI:

<http://cn.rfi.fr/%E4%B8%AD%E5%9B%BD/20180815-%E9%A6%99%E6%B8%AF%E8%AD%A6%E6%96%B9%E8%B0%83%E6%9F%A5%E9%83%AD%E6%96%87%E8%B4%B5%E6%B4%97%E9%92>

<http://cn.rfi.fr/%E4%B8%AD%E5%9B%BD/20180815-%E9%A6%99%E6%B8%AF%E8%AD%A6%E6%96%B9%E8%B0%83%E6%9F%A5%E9%83%AD%E6%96%87%E8%B4%B5%E6%B4%97%E9%92%B1%E6%A1%88%E5%86%BB%E7%BB%93%E5%85%B6%E5%9C%A8%E6%B8%AF%E8%B5%84%E4%BA%A7>

94. Guo is a fugitive wanted by Interpol Red Notice for twice for his economic crime.

95. In U.S., Guo is also no short of law suits. For example,

- 1) In April 2017, Pacific Alliance Asia Opportunity Fund brought lawsuit against Guo in the Commercial Division of New York County Court for loaned \$30 million to Guo's Hong Kong company in connection with the development of Pangu Plaza, site of a "7 Star Hotel" in Beijing near the Olympic arenas. In connection with the loan, Guo signed a personal guarantee. The relief claimed is \$88 million in principal and accrued interest on the loan;
- 2) In July 2017, dozens of Chinese creditors sued Guo in New York for debt collection and the enforcement of foreign judgment. Guo was accused of **transfer of property to avoid the debt** and unjust enrichment with the total claims in US\$1.5 billion; and
- 3) According to the email's contents leaked and posted on the internet on May 8, 2018, Guo is being investigated for at least 19 major criminal cases.

--see

([https://content.guo.media/uploads/videos/2018/05/guomedia\\_ffcee90b044d615c2f0b963292c60b0f.pdf](https://content.guo.media/uploads/videos/2018/05/guomedia_ffcee90b044d615c2f0b963292c60b0f.pdf))

Case No. 1: **Kidnapping, False Imprisonment.**

Case No. 2: **Kidnapping, False Imprisonment. Assault, Conspiracy, Extortion of Signature.**

Case No. 3: **Destruction of Evidence.**

Case No. 4: **Wire Fraud, Money Laundering, Forgery, Fraud, Conspiracy, Blatant Violation of Foreign Exchange Laws.**

Case No. 5: **Fraud, Money Laundering Conspiracy.**

Case No. 6: **Fraud, Falsifying Documents, Providing False Documents to Obtain Loans, Conspiracy.**

Case No. 7: **Fraud, Falsifying and Fabricating Evidence, Tampering with Evidence.**

Case No. 8: **Bribing** Government Official Ma Jian.

Case No. 9: Pangu Company Obtained 2 Billion RMB of Loans from Ping A Bank under **False Presence.**

Case No. 10: Yuda Properties, Yuda Hotel Obtained 3 Billion RMB of Loans from Minsheng Bank under **False presence.**

Case No. 11: Zhao YunAn, Qu Long and others' **Encroachment** while Performing Job Duties.

Case No. 12: Guo Wengui, Ma Jian, Gao Hui and others Are Suspected of **Forcing a Trade.**

Case No. 13: Zhao Dajian, Yang Ying and others **Misappropriated Funds** in an Amount of 1 Billion RMB from Minzu Securities.

Case No. 14: Zhao Dajian, Yang Ying and others **Misappropriated Funds** in an Amount of 800 Billion RMB from Minzu Securities.

Case No. 15: Zhao Da Jian, Yang Ying and others **Misappropriated Funds** in an Amount of 300



Billion RMB from Minzu Securities.

Case No. 16: Guo Wengui and Gao Song Involving **Forgery of Evidence**.

Case No. 17: Lin Qiang, **bribery** by a non-Government Staff.

Case No. 18: Xu AngYang, **bribery** by a non-Government Staff.

Case No. 19: Guo WenPing, **Misappropriation of Funds**.

96. According to multiple media articles, audio recordings leaked and posted on the internet and lawsuit information, Guo was sued of **raping his employee Ma Rui** in New York, Bahamas and London. --See, AP: "China accuses outspoken tycoon in US of rape", <https://apnews.com/9a4b4be3f0fb4e7191a53b9368318513>

"Former assistant accuses exiled Chinese tycoon of rape in lawsuit"

<https://www.reuters.com/article/us-china-corruption-tycoon/former-assistant-accuses-exiled-chinese-tycoon-of-rape-in-lawsuit-idUSKCN1BO0I5>

also, "Billionaire Chinese Dissident Raped Woman and Held Her Captive, Suit Says"

<https://www.dnainfo.com/new-york/20170912/upper-east-side/guo-wengui-rape-china-dissident-billionaire>

97. Ma Rui stated in her complaints and told the media that Guo raped her at his homes in Manhattan and London and threatened to have her jailed and tortured if she escaped. Rui woke up with Guo "on top of her and attempting to separate her legs," She yelled at him to stop but he refused and "engaged in forced sexual intercourse with [Rui] without her consent.

*"After this violence concluded [he] left [her] alone, bleeding in her bed," A second alleged rape occurred in Guo's London home when he locked her in a room, threw her onto the floor and tore at her clothing. Rui begged him to stop, but he "coldly responded that [Rui] must stop shouting," according to court papers. --See, "Chinese dissident billionaire treated me as sex slave: suit" , --see New York Post, <https://nypost.com/2017/09/11/chinese-dissident-billionaire-treated-me-as-sex-slave-suit/>*

98. Ma Rui sued Guo for **rape, assault, false imprisonment/wrongful confinement**, among others, on September 27, 2017 in the Supreme Court of State of New York County of New York. (Index Number:158140/2017). Ma Rui also filed a criminal complaint against Guo in China.
99. On or about September 19, 2017, Qu Guojiao, a key employee of Guo exposed in a live streamed video and told the story that Guo frequently **beat and maltreated his employees and committed fraud**. --See, <https://www.youtube.com/watch?v=f8QDQs3f55c>



100. On August 29, 2017, a video recording and a surveillance report was posted online and shows that Guo **hired agents to spy** on Ling Wancheng, a Chinese businessman and the brother of Ling Jihua, the secretary to then president Hu Jintao, on U.S soil.

--See, <https://youtu.be/UCCOa-aY0MQ> (0:34-4:40)

101. According to the Beijing News and other media, some of Guo's employees were beaten by Guo for speaking ill of him, and some were sent into prison by Guo for disloyal to him. Guo had **raped his female employees for multiple times**, for example, in 2010, Guo raped Ding, his assistant at Pangu, and later she was forced have sex with Guo every two weeks.

--See, The Beijing News:

<http://finance.sina.com.cn/chanjing/gsnews/2017-04-19/doc-ifyepsra4702100.shtml>

102. Guo denied Rui Ma's allegations in his live-streamed videos, just as what he did to most of the negative news about him in the public and collectively attributed them to the plots of "Kleptocrats". On September 29, 2017, Guo even made the extremely defamatory speeches in public, saying that *"Ma Rui is so ugly that a pig will commit suicide if raped by Ma Rui. Waiting for her recorded tapes and evidences and see what she has done. She slept with an old male foreigner and paid to that old man. She paid money for sleeping with her. She was raped? She would rape any man she run across with. She would rape a male dog whenever she met one."* --- See, <https://youtu.be/z61ooEvXwws>, (0:00-1:34)

103. Nevertheless, some audio recordings posted on YouTube by unknown source provide people with cross-references to Rui Ma's lawsuit of sexual assault and other allegations against Guo. These were recorded conversations among Guo, Rui Ma and Yanping Wang, the senior female personal assistant to Guo. In these audio recordings, Yanping Wang was asking Rui Ma questions in detail about Rui Ma's complain of Guo's rapes. Wang in the recording warned Ma not to report the rape to authorities. Guo and Wang then discussed the plan to detain Rui Ma and later Guo did so.

---See, <https://www.youtube.com/watch?v=usVzcYUP7Ok>

<https://www.youtube.com/watch?v=5dql7osb4zQ>

<https://www.youtube.com/watch?v=TRHRDriuwV0&feature=youtu.be>

<https://www.youtube.com/watch?v=oD7utaEfUHI&feature=youtu.be>

104. The voices of Yanping Wang and Guo in all these audio recordings are identical, to Yanping Wang and Guo's voices in their talking in interviews and live-streamed videos.

105. The voices of Guo and Yanping Wang in these audio recordings involves various scenarios and other people, including but not limited to: talking between Guo and Wang on business and private matters; Wang and Guo's conversation with former Homeland Security Secretary Jeh Johnson in discussing of Guo's visa application; Wang and Guo's interview conversation with Michael Forsythe and his assistance; Wang's reporting to Guo after her

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conversation with Rui Ma about the rape allegation; Guo's telephone conversations with You Li threatening retaliation, Guo's telephone conversations with client manager of UBS HK threatening personal safety; Guo's telephone conversations with Pin He, the chairman of Mingjing News; Guo's telephone conversations with Yeliang Xia, etc. In some of the audio recordings there are also the voices of Guo and Wang when they apparently were having sex in Guo's office room, after their normal conversations.

106. While how these audio recordings were obtained and by who they were posted onto the YouTube is still unclear, the audio recordings apparently were all recorded at the nearby of Guo or Yanping Wang and the authenticity of these audio recordings are extremely convincing since it is impossible for anyone or current digital technology to imitate the voices of all of the figures, languages characters in so many real scenarios.

Some of the figures involved in these audio recordings are US public figures that often speaks in public in their real life and in their native English. No one has ever denied his/her role and voices appeared in these audio recordings, except for Guo and Yanping Wang. At least Prof. Yeliang Xia in his live streamed video admitted the authenticity of the audio recordings involved his telephone conversation with Guo.

107. Also, upon information and belief, Guo has the habit to secretly record telephone conversation and his social activities.
108. In or about middle 2017, Guo posted some recordings on his YouTube account, in which Guo secretly recorded the conversations between Guo and Yanping Liu, the Disciplinary Secretary of MNS, and between Guo and Lijun Sun, a senior official of Ministry of Public Security. This audio recordings were made in Guo's office room, and Guo's voices is also identical to the voices in those dozens of audio recordings posted online and his numerous speeches in his own live interviews and live streamed videos.

**Guo's more lies and so-called "revolution of secrets exposure"**

109. It is a simple fact known to the world that corruption is serious and rampant in China's Party-state regime. Although Guo's allegations to the senior officials are so sensational, the facts Guo stated in his interviews and live-streamed videos are nearly impossible to be verified. No substantial evidences have ever been disclosed by Guo that can justify his allegations.

110. To the opposite, many of the allegations are wildly considered absurd, and proven false in public. For example,

- 1) He claimed at least three times in his live streamed videos that he was U.S. citizen. However, he actually submitted application for political asylum in US on September 7, 2017;
- 2) He said he had no criminal record and was never sued by anybody, but he was convicted of fraud in 1989 and before he made such statement in public, he had dozens of lawsuits against



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him and still under criminal investigation, etc.;

3) In one of his live streamed video Guo claimed Yao Qing was a relative of CCP's top leader Wang Qishan and disclosed Yao's photo ID and bank information. But it soon turned out that this photo was another person with the identical name, who was 20 years older; and as to Yao's bank information, Guo made a laughable mistake that "1 RMB=6.83272 US\$", obviously the wrong exchange rate in his evidence forgery.

--See, <https://twitter.com/zhanglifan/status/868174958958190592> ,

4) On one occasion Guo showed the China ID card no. of a female's Liu Xin's "110105198006292956" in his live streamed video trying to prove some corruptive links with one China official. But the simple fact is that in China the last 2 digits of ID card number has the function to tell the sex of the cardholder and that ID number becomes to a male.

--See, <https://twitter.com/asweepingmonk3/status/919231102522351616>

5) On September 19, 2017, in a live interview with Mingjing news, Guo disclosed the passport number of Meng Haijing, a daughter of Meng Jianzhu, the head of Central Political legal committee, but it belongs to a man surnamed Wang. The passport number of Sun Shanghua, a son of Sun Lijun, belongs to a woman surnamed Yang.

--See, <https://twitter.com/ikokujiyusu/status/912622207112683523>

6) In Guo's live-streamed video on September 13, 2017, Guo alleged the late Vice Premier YiLing Yao, was having sex with a female from Hangzhou in a room next to his wife's funeral. Setting aside the question how he got know this detail, the concrete fact is that YiLing Yao passed away about ten years before his wife in 1994.

--See, <https://twitter.com/zhanglifan/status/908113241552830465>

7) In the September 24, 2017 live-stream video, Guo alleged Lijun Sun had properties in Australia and showed documents of the overseas houses with signature of Lijun Sun, but it turned out two houses of them are owned by another person in Sydney with a same name, and the real Lijun Sun stood out and make video online in response with the true identity and original documents and told Guo to stop infringing his privacy. <https://www.youtube.com/watch?v=ANGfAO59IPs>

8) Guo once alleged that *"Among the DNA samples we gathered, one was from a Politburo member's Australia-based love child. The DNA can be used as evidence: I hope that my global news conference can show that this is legally valid evidence."*

It later turned out that there was no such conference at all and the only follow up was a copy of DNA test report that Guo showed in his video with the personal information covered. With this DNA test report, in which the interpretation of siblingship index 0.0108 and both data collected on July 07, 2017.

Guo claimed that he confirmed a Chinese man with the name Jun Guan was Qishan Wang's son but another Chinese man whose name is Chenjie Liu was not Qishan Wang's son, and the truth about the later one would be more shocking. Then by some simple online search of some social media users, it turned out that the code name on this DNA test report belonged to a Lab in US and the test procedure is very clear that the persons for the DNA test must attend the Lab in person.--See, <https://www.boxun.com/news/gb/pubvp/2017/07/201707310142.shtml>



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111. Other lies in Guo's live streamed videos are countless, and some of them are not only absurd, but also considered illusory. For example,

- 1) every count of allegation in his law suits against Shi Wei would sent him to jail for 100 years;
- 2) his revelation of secrets will result the abortion of the 19<sup>th</sup> CCP conference;
- 3) he did not make one penny profit in China from Chinese people, all money he earned are overseas from foreigners;
- 4) a Lab in LA offered 50 thousand US dollars for his sperms and at one Lab in Canada, they received over 2000 applications from females queuing for his sperms; etc.

112. Because of too many lies told by Guo in public, all the main-stream media already realized something. For example: one article on New York Times commented that ***"Mr. Guo's allegations are unproved, and some of his claims have been outlandish and easily debunked."***

--See, <https://cn.nytimes.com/china/20170531/china-guo-wengui/dual/>;

One article on Financial Times commented: ***"Western journalists have been frustrated with inconsistencies or lack of evidence for some of his claims — a concern shared by few among Mr. Guo's fascinated Chinese audience. Mr. Guo, for his part, declares himself frustrated with such journalists."***

--See, <https://www.ft.com/content/dbf66aaa-b236-11e7-a398-73d59db9e399>

113. Notably, Guo seems to take pleasure in talking about the erotic topics in his stories, regardless of any consequences. For example,

- 1) the sex relationship between Qishan Wang with a famous Chinese actress Bingbing Fan, and the details goes to a hotel room 1808 that they had sex in Beijing and a picture of Bingbing Fan with part of her naked body, which Guo stated and showed in his interviews and live-streamed videos on or about June 30, 2017. However, just days later, it turns out that that hotel has no level 18 at all, and the picture showed was from a movie in which Bingbing Fan was acting. — See, <https://www.youtube.com/watch?v=a1JA5yY6FPg>
- 2) Guo alleged that Jianzhu Meng had put the dates into the vagina of virgins overnight and then give the dates to his mother to eat as the traditional medicine for healthcare. However, a few days later, people on the internet pointed out that it is the scenario in a famous Chinese novel *BaiLuYuan*.

--See, <https://www.youtube.com/watch?v=SnioUBRV07A> (0:15-0:50)

- 3) In his live-streamed videos, Guo published four photos of girls and claimed they are all overseas mistresses of Lijun Sun. But days later, people found those were all downloaded from online and one of them is Jessica, a Taiwanese fitness celebrity. —See, [http://zh.wenxuecity.com/news/2017/10/15/6661951\\_print.html](http://zh.wenxuecity.com/news/2017/10/15/6661951_print.html)

114. It is worth noting that Xia is not the supporter of those senior China officials. Instead, those are the persons who are generally responsible for suppressing the Chinese political dissidents and maintaining the current totalitarianism regime that Xia and other pro-democracy activists are opposed to.

115. Many people, particularly females, suffered from Guo's rumors, slanders and defaming



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campaigns. Subsequently, Guo was sued by some of victims. For example,

- 1) Guo alleged Caixin Media and the chair of Caixin Media, Shuli Hu (female) in defaming Guo about his previous business in the investigative articles, and Shuli Hu's corruption activities with China officials, as well as having an illegitimate son with You Li, who is his business rival in 2014. Caixin Media and Shuli Hu then filed defamation case in China, Hongkong and US against Guo.
- 2) Guo alleged Yan Huang, a female official, had sex with senior officials for exchange of her position and benefits. Huang filed defamation case against Guo in New York.
- 3) Guo alleged Shiyi Pan, a famous developer, in corruption activities and Pan's wife, Xin Zhang had sex life out of their marriage. Guo was sued in New York for those defamation.
- 4) Guo's allegation about Bingbing Fan's sexual relationship with Qishan Wang also attracted defamation law suits from Fan in New York.
- 5) Guo alleged that Bruno Wu (Zhen Wu) let his wife Lan Yang, a famous TV presenter, have sex with others in exchange for business benefit, and that Yang had serious sex induced diseases due to her messy sex life, etc. Again, Guo became the defendant in New York of a defamation case.

116. Notably, when Guo was making such allegations without any material facts, he repeatedly said: *"I welcome them to come to New York and sue me, I like to fight the gang war, I only worry about what if they do not come to sue me, my legal teams are here waiting"*. Obviously, that is a game that is affordable only by billionaire such as Guo, and Guo is enjoying in this kind of litigation war, in which Xia is one of the victims, there's no choice but fighting back and seeking justice.

117. Guo's defamation activities are still going on in his live-streamed videos, and spread by his followers online, mainly via social media platforms, along with his so many intentional or reckless lies since early 2017 to date.

118. At least one top classified China official document Guo presented at a news conference in Washington DC arranged by Guo has been proved fabricated and is now investigated by China authority. On October 5, 2017, Guo made public in Washington a so-called *"confidential document of the Chinese government"*, featuring China's *"working plan of secretly dispatching 27 police officers"* to the United States on field duty in 2017. Guo publicly claimed that these forged documents were *"authorized by governmental and judicial authentication of seven countries"*. --  
See, <https://www.boxun.com/news/gb/intl/2017/10/201710090240.shtml>

119. On April 23, 2018, The Chongqing Municipal Public Security Bureau holds a press conference on the **forgery of national-level documents** by Guo. It was reported Guo had incited and instigated twin brothers Chen Zhiyu and Chen Zhiheng to forge over 30 national-level official documents.

--See, South China Morning Post: "China accuses fugitive tycoon Guo Wengui of commissioning forged documents to bolster asylum request" <https://www.scmp.com/news/china/policies-politics/article/2142994/china-accuses-fugitive-tycoon-Guo-wengui-commissioning>  
BBC: <https://www.bbc.com/zhongwen/simp/chinese-news-43871029>



120. In the May 5, 2018 live-streamed interview with Lu De on YouTube, *"I hope your specialist would do his best to get the documents, including secret documents about North Korea, which is helpful for U.S. to know about North Korea issue. And any privacy information for Fu Zhenghua, Sun Lijun, Su Xiaoqin, Yao Yaping. These documents are very important."* and *"What I need you to do is getting private information about all members of the Standing Committee of CCP, including any sexual videos and family corruption information."* *"Another guy who provided court documents to me was arrested in Hong Kong. I provided large amount of money to all these people. I gave \$20 million to Ge Changgen who used to work for "China TV". You can see that I have provided a lot of money to them."*

--See, <https://youtu.be/qnaeyA2KXdw?t=141> (2:21-28:03)

<https://youtu.be/xYnNu0TL-xs>(9:30--10:10)

121. Guo cheated/paid Song Jun, an employee for Civil Aviation Administration of China Air Traffic Control Bureau, to **steal flight records and passport information** of the people Guo was targeting at. According to reports and court paper, *"Guo illegally obtained 561 pieces of information concerning 146 passengers of Hainan Airlines from December 2015 to March 2017."* Song Jun and Ma Cong were later arrested.

--See, *"Two held in China for giving flight passenger data to fugitive tycoon"*

<https://www.scmp.com/news/china/policies-politics/article/2102075/two-held-china-giving-flight-passenger-data-fugitive>

<https://youtu.be/u6iyd4rKH7o> (0:04 -2:19) Published on Jul 11, 2017 by Boxun news

<https://youtu.be/-cas67ZkgBM> (0:04 – 2:19) Published on Jul 11, 2017

<https://youtu.be/Ntah87NGF7w> (0:04 – 3:12) Published on Jul 11, 2017

<http://video.chinanews.com/flv/2017/0710/wangyi06.mp4>(0:31 - 2:10)

<http://www.chinanews.com/m/gn/2017/07-10/8273166.shtml> Published on July 10, 2017

122. In July 2017, during the trial against Song Jun, a phone conversation audio recording between Guo and Song Jun was used as evidences, showing that it was Guo who lured/cheated/paid Song Jun to steal sensitive documents for Guo, wherein Guo told Song Jun that *"This card is one of the most awesome cards in the world. Only when you have over billing dollars, you can get a black credit card. You can even to buy a jet with it.... Ah, you know it is not safe having cash with you. Okay, buddy! ... I'm going to apply UK passports for you and your wife. What do you think of this? ...I have a good share for you to buy, it is just between you and me. You can invest about ten million and you will double it soon. In case you lost, I will compensate it for you. Believe me. Find a financial agent and create an account. Then you buy the stock as soon as I tell you. After six months or within a year or maybe eight months you will double your money. ...."*

--See, [http://www.xinhuanet.com/world/2017-07/10/c\\_1121290100.htm](http://www.xinhuanet.com/world/2017-07/10/c_1121290100.htm)

123. In another phone conversation, Guo told Song Jun that *"Please send me the flight records of the Boeing 787, the more detailed the better!" "I need the passport photos of those*



*people, the clearer the better.” “Record the video of 787 plane and the planes of Hainan Airlines with tail numbers.” --See, <https://youtu.be/u6iyd4rKH7o> (0:04–2:19) Guo particularly asked Song Jun and Ma Cong to monitor on some VIPs, including Bill and Hillary Clinton, State Secretary John Kerry, The Prince of Saudi Arabia, etc.*

*--See, <https://youtu.be/Ntah87NGF7w> (0:04–3:12)*

*<http://video.chinanews.com/flv/2017/0710/wangyi06.mp4> (0:31–2:10)*

#### **Guo is an agent working for Chinese State Security, not a “Chinese political dissident”**

124. Although in Guo’s complaint, Guo made the assertion that he is the Chinese political dissident and prepared for 28 years for the moment since 1989, the facts surrounding Guo just tell the absolute difference.

125. The term of “Chinese political dissident” is not a fine legal definition. But more like a social recognition of people who take actions in upholding the values of human rights, constitutional governance, fair justice, equal opportunities, freedom of speech, democracy and social fairness in China, and most importantly, in its very nature, in good faith.

126. On Jun 30, 2017, in a Mingjing TV live-stream interview, Guo admitted that Ji Shengde was his “earliest boss”. Before 1999, Ji was major-general in charge of military intelligence in the People's Liberation Army of China.

*--See, <https://youtu.be/InQol9c1lp4> (2:56:06-2: 58:45)*

127. When Guo was in China, he associated with senior China officials in getting big fortune, he worked for **MSS and military intelligence**, utilized the arbitrary power to enrich himself and infringe the human rights.

128. After Guo fled to US, he at least negotiated with three senior China officials to stop his so-called secrets revelation in exchange for special treatment to his criminal cases and frozen assets.

129. On April 29, 2017, Guo was in a phone call with people in China discussing his handling of overseas pro-democracy activists. Guo said, *“These overseas pro-democracy movement are so low...they are all living in Flushing, NYC in their poor houses, defaming China, defaming our leaders everyday... they are so low, so low...I even regret that I went and met that Shi Wei, they were so scared and shaking when we met..., why I went to meet those low end people.... You just wait for me, when I finished them, we will have dinner together and drink wines.”* --See, <https://www.youtube.com/watch?v=whKwuLpKbUQ>

130. Since June 6, 2017, on many occasions, he publicly admired President Xi Jinping, calling him as *“a holy sage and ruler could hardly be met once in a thousand of years”*. Guo repeatedly stressed on “Guo’s seven principles”, one of which is “never go against Chairman Xi”. The obvious fact is that Xi Jinping is a tyrannic dictator in China now.



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131. On August 31, 2017, in the live interview with reporter Xiaoping Chen of Mingjing News at his residential address in NY, Guo showed to the reporter and the audience a **petition letter** he wrote and signed on August 26 addressing to Chairman Xi, admitting his regret and wrongdoing to China government and CCP in his go-public campaign and seeks leniency from china government and expressed his **willingness and capability to mobilize his influence to serve for the party-state regime to redeem his committed crimes.**

--See, [https://www.youtube.com/watch?v=JHl\\_pgVEdgE](https://www.youtube.com/watch?v=JHl_pgVEdgE) (1:02:00)

<https://boxun.com/news/gb/intl/2017/09/201709012230.shtml> ,

Some social media user took the time and translated this letter into English.

--See, <https://twishort.com/Lnjnc>

132. In this letter, Guo wrote, *"With humility and sincerity, I greatly valued the opportunity that was given me by Deputy Secretary Sun Lijun and Secretary Meng and other leaders. I will put our national interest first and I am willing to devote my life to protecting Chairman Xi in his role as the Core Leader. Even in such a difficult situation, please believe me that I am still willing to make new efforts for our nation if needed, and I promise not to cross the red line. At the same time, I earnestly hope you will judge of my integrity, morality, and truthfulness in the cases currently open to the investigative process."*

*"A few small suggestions:*

- 1) Give me opportunities to appeal for a strengthening of our national legislative framework so that I can publicize Chairman Xi's concept of the Rule of Law!*
- 2) Please permit me to devote my influence and resources to serving Chairman Xi's Chinese Dream As soon as possible!*
- 3) Let the cases against me be disposed of in a way that serves as a model for settling economic disputes in the courts!*
- 4) Give me space and opportunity to propagandize and promote Chairman Xi's great achievements against corruption in my own style, and on an international stage!*
- 5) Let me soon return to China without fear, demonstrating Chairman Xi's new way of governing our country!*
- 6) Let the investigators change their attitudes toward me: instead of aiming to arrest and destroy me, they can use me — I'll be completely at their disposal — to serve Chairman Xi and our nation!*
- 7) Give me tasks to accomplish in furtherance of our national interest and Chairman Xi's global strategy, so that I can redeem myself by good service, demonstrating my patriotism and loyalty to Chairman Xi!"*

133. More disturbingly, shortly after Guo's petition letter to president Xi went in public, Guo has put most of his effort in action waging a defamation war and SLAPP type lawsuits against dozens of people including Xia, most of them are activists of overseas China pro-democracy movement.

#### Guo's childhood and unclear history

134. Guo's story about exile of his parents by CCP during the cultural revolution could hardly be verified. He told the audience that his father was an officer of PLA (CCP's army) and served

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for an intelligence department. Personally, Xia doesn't believe his many low-end fabricated stories lacking common sense and relevant historical knowledge.

135. Guo told the audience that he had been abroad to USA and Japan when he was only 14 years old while the truth is that there was hardly anyone could get an individual's passport (usually only trusted CCP officials and staff serving for the government may have the privilege during that period) to go abroad.

The passports were issued only for people in government business or studying at abroad. A child under 18 could never go abroad without company of the parents, not mentioning that Guo has no excuse of any public interest for going abroad during the period. He claimed in a video speech that he has never done anything against CCP in his life.

136. Xia doesn't have sufficient information about his childhood and family life, yet as he told his audience sometimes that his family had better life than the local residents since his father was an army officer serving in the intelligence agency. Xia doesn't believe even a sentence of his many stories inconsistent and logically contractionary.
137. Guo took the tragic story many times in his video speeches to show his compassion for the poor while he has never donated or helped the poor. In a 2017 interview by a Western media, Guo admitted that he has never done anything like charitable donation or giveaway.
138. Guo was incapable to learn in the classroom and could not continue to get a compulsory basic education. The fact is that Guo doesn't have a middle school diploma (or any diploma) and his writing aptitude in Chinese is much below the average and he is lacking basic knowledge of grammar and punctuation.
139. Guo tried to find a reasonable excuse for his extraordinary early elope with his girlfriend who became his current wife (with uncertified marriage) at age of 15 and got his son the next year. Just think about the extremely strict policy for late marriage (usually advocate 28 for male and 26 for female) and birth control (advocation for late birth apart from restriction of number) nationwide during the period. Couples must apply for quota of birth even if they met the criteria of the late marriage and late birth).

## Particulars in the pleadings

### Guo's legal capacity in this proceeding

140. Guo had on various occasions and venues made statements about his "mysterious" identity, including but not limited to the official interviews with reporters from international/local news broadcasters, newspapers, and via his own internet social media accounts, such as twitter "[@GuoMiles](#)", YouTube "郭文贵", Facebook "guowengui".

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141. Material facts show that the plaintiff had made the following public statements to the effort that:

1) In a live-streamed interview with reporter Shasha Gong and Fang Dong of VOA in NY on April 19, 2017, Guo told the reporters and the audiences that *"I have 3 passports of Middle-East countries, I have several passports of European countries, I have about 11 passports in total. I have not used my Chinese passport for 28 years so far."*

2) On May 10, 2017, and other occasions, Guo said "I have been a citizen of the Unites States", on his YouTube account;

3) On Guo's complaints against Xia Yeliang and Li Hongkuan on February 14, 2018, and January 26, 2018 respectively, Guo intentionally and falsely stated that he was a citizen of the United States.

142. In a series of six live interviews with reporter Xiaoping Chen of Mingjing News in NY between April 2017 and September 2017, Guo claimed that *"firstly, the name of Guo Wengui does not exist at all. Such a name as Guo Wengui has never existed on earth..."*

143. Also, on information and belief, the plaintiff has used up to more than 10 different names on legal documents in his life.

144. According to the law of marriage in China, the legal age for a male is 22 years old and female is 20. Could Guo provide the original certificate of marriage dated back in 1985? Guo admitted that he and his spouse eloped when he was 15, and Guo claimed that he was born in 1970 while his different IDs show different birthdates in 1967, 1968 and 1970 respectively.

His spouse Qingzhi Yue was born in 1968 (see Exhibit B of Hukou, the residency registered booklet) while he claimed that he was born in 1970, how could his spouse be one year younger than he is? If Guo was born in 1967, the year would match with the saying that his spouse is one years younger than Guo and would make the year of the elope into 1982 when his spouse was only 14 years old (it is illegal, and no agency of the government dare to issue such a certificate of marriage. The original certificate of marriage must be provided to the court and it should be accredited and notarized by authoritative institutions in China.

145. The inconsistent material facts above mentioned in paragraphs 103-107 amount to the reasonable inquiry as to the legal issue regarding Guo's identity and legal capacity in this proceeding.

**Guo's slander, libel on Xia and others**

146. Guo initiated this proceeding against Xia, and more than a dozen of other people, with the threatening of more lawsuits against up to 91 people on the way, in a delicately designed campaign trying to silence his criticizers, retaliate his criticizers by emotional, financial distress and harm their reputation and other subsequent damaging consequences.

It is a campaign that echoes his pledging loyalty to President Xi Jinping and ultimately Xi's regime by using his influence gathered in his so-called "revolution of secrets exposure"



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since early 2017 and his big fortune gained from the assistance of his “protection umbrella” used to be in senior positions of the very same regime. Most of the defendants in his SLAPP type lawsuits, including Xia, are the established figures in the wildly recognized overseas China pro-democracy movement.

147. However, as early as July 2017, Guo had started to call Xia as “**Hemorrhoids Xia**” (“Xia Zhichuang” ) in Chinese; The same insulting title was also refers to Lifan Zhang, another scholar who has suspicion and questioned on Guo’s exposure of so-called top confidential information. Zhang was called as “**Hemorrhoids Zhang**” (“Zhang Zhichuang”) in Chinese;

148. In August 2017, Guo started to call Teng as “**Incest Biao**” (Luanlun Biao) in Chinese; “Luanlun” means incest in Chinese, and Biao is Teng’s First name). Guo frequently insults Teng in his live-streamed videos, implying Teng with incest activities in his past, or at least the messy sexual relationships in his life by context. With Guo’s abetting remarks and encouragement, hundreds of Guo’s gangs called Teng with the insulting name in social media and it may cause a sever spiritual harm to Teng’s teenager daughter.

149. In Guo’s complaint, Guo admitted that he knows little of Teng. By using “incest” to describe Teng, Guo knew or should have known that incest is a strongly negative word that this activity is intolerant to any society and moral standards. By calling Teng “incest”, Guo knew or should have known that he has no any facts. In so doing, **Guo knew this statement is entirely false and defamatory.**

150. This live-stream video in August 2017 was posted to Guo’s twitter account and to all the audience and viewers, as admitted in Guo’s complaint, at the amount of near half million. And Guo repeatedly called Teng “incest Biao” in his live-streamed videos to at least September 2018. All those videos are still available for viewing on social media platforms.

151. On Feb 8, 2018, Guo said: “...Li Weidong, Xia Yeliang, incest Biao, Hu Ping, these people are inspired by the little bit Dog food toss, a little bit of dog food. These people, like Hu Ping, can send their wives on the street to be fucked for money. These people, including Sino and Wei Shi, will do the same and will send their own mothers and their wives out.”

--See, <https://youtu.be/Y6o1fF1NXKY> (3:36-5:28)

152. On November26, 2017, Guo in a live-streamed video, said the following words: “ (you all) will know when I announce it a few days later, I will sue 17 cases altogether, it will be a big news when these 17 cases are initiated....I just planned to clean up those organization and individuals living overseas who come here every day and feel so high, but with fake democracy, fake pro-democracy and eating the steamed bread with the blood of June 4th on it.” ...” that Incest Biao, that Biao Teng, never pays respects to female, to females of other people, how will he pay any respects to your wife and children? Will other people pay respects to your wife and children? How do you even talk about human rights? Are you qualified to do so? So please remember this again, what I oppose to is the persons who are fake democracy, fake pro-democracy movement, fake June 4th activists, and those evil



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*persons disguised in June 4th activists/democracy/pro-democracy movement but cheat people on the internet on money.”...*

*“every one of you, you are really the friends of the enemy, you helped a lot, you let all Chinese people see your face. ...This is a group of animals, even worse than animals” .....”*  
***How could not the Ministry of State Security (MSS) know the details of any people? Whose personal archives I have not read?*** Every one of pro-democracy movement was sent out by such persons, like Jian Ma (former vice minister of MSS—currently under investigation), Yue Zhang (former chief of Hebei provincial Political & Legal Committee—convicted), and that Qiang Lin (former chief of a department in MSS, later Guo's key business partner—convicted), who was not? (they) are all my employees and my friends.”

--See, <https://www.youtube.com/watch?v=plF8184BAkc> (37:00)

153. On August 21, 2018, Guo said: *“Such as Li Hongkuan, Wei Shi, SINO, Xia Yeliang, incest Teng Biao, Li Weidong, these animals, ...These people are motivated by resentments, and thus are cheaters, fraudsters.*

*We can't let them to abduct us to do their democracy. What type democracy they are going to do? They are specialized to have women on to Li Hongkuan's bed through democracy, especially girls from Hunan to be abducted on to their beds, and have them transplanted with HPV virus, and refused to feed their new babies.....Just three minutes right after he met with girls, Liu Gang raped others in his car and had new babies, and refused to feed his babies, and pretended to be mental illness, intimidated others.”*

--See, <https://youtu.be/OAq2aGC3MrQ?t=6457> (1:47:37-1:48:35), 232,074 views as of August 21, 2018, Published by Wengui Guo on Dec 23, 2017.

154. Guo said on March 11, 2018: *“That garbage, such as Chen Jun, Hu Ping, Incest Biao, Wei Shi, SINO, Li Hongkuan, post marriage ads every day. How many people have they cheated? They cheat money of others. Who will need their sperms? No way.”*

--See, [https://youtu.be/2XN9L0KO\\_10](https://youtu.be/2XN9L0KO_10) (0:00–3:31, 5:21–5:40)

Published on 3/11/2018 at: <https://youtu.be/mT9iZhOlc6U> (deleted by Guo)

155. Guo called Teng “Incest Biao” in his live-streamed video, in the context falsely and with malice repeatedly defamed Xia, including but not limited to statements meant to convey
- (1) the people, including Xia, would be sued shortly, and in fact, Guo in December 2017, in his live-streamed video announced his lawsuits against “eight big pseudo pro-democracy activists” (in the pro-democracy movement), including Xia;
  - (2) these persons, including Xia, are being sued because they are the typical group among the fake pro-democracy activists disguised in the pro-democracy movement and cheat people for money and/or sex;
  - (3) their activities, including Xia's, being sued (i.e. defaming Guo in common), were in support of the enemy of Guo and because of this (they were not in line with Guo), they were damaging the whole pro-democracy movement;

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(4) Guo's bad attitudes to these persons, including Xia, was based on Guo's affirmative and verified facts from the original source of China authority that he has special link, and that the public should trust Guo's statements about the members of overseas China pro-democracy movement, including Xia, because he had the direct access to the secret files of all of them kept in MSS.

In Guo's tones of making these speeches, it was very strong indication that the people he mentioned, including Xia, has the secret roles in those MSS files that are different to their current roles known to the public and that is why Guo called them "eight big pseudo pro-democracy activists".

156. These statements have harmed Xia's reputations among the mass audience, and have caused them to associate Xia, among others, who collectively were "eight big pseudo pro-democracy activists" in his later public speech in or about December 2017, with poor character, disguised pro-democracy activist certified by Guo, and strong suspects of association with "thieves of stealing the state from Chinese people" with the purpose to disguise in overseas pro-democracy movement and work against Guo.

157. In or about December 2017, Guo in his live-streamed video created a term "**Eight Big Pseudo pro-democracy activists**", Xia was one of them. Since then Guo frequently used this term in his live-streamed videos to refer this eight people collectively as the typical sample of a group of people who disguised to be the pro-democracy activists in overseas China pro-democracy movement community.

This term is largely interchangeable to the terms "pseudo pro-democracy activists in the Chinese pro-democracy movement". On many occasions, Guo usually used "those pseudo pro-democracy activists in the Chinese pro-democracy movement" as a general term, and then listed some or all of the names of "eight big pseudo pro-democracy activists" to clarify and emphasis on the definition.

158. Nevertheless, in Guo's mouth, "the pseudo pro-democracy activists in the Chinese pro-democracy movement" and "the real people in the Chinese pro-democracy movement" are themselves easily exchangeable, too. The standard to distinguish them seems only existed in Guo's mouth. There is the basic pattern that if you are the Guo's supporters, you are always the fellow fighters and the real people in the Chinese pro-democracy movement; if you are not, or no longer his supporters, you are "the pseudo one".

159. This is a pattern applied again and again in Guo's "secrets exposure" since early 2017. At the beginning, Guo vowed to reveal the shocking facts and evidences of China party-state regime, many people in Chinese pro-democracy movement welcomed it.

But not long after, when people realized Guo's real face, some turned away from him, and

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became soon in the group of “pseudo pro-democracy activists in pro-democracy movement” in Guo’s mouth. Some people who had extremely supported Guo and fought Guo’s critics for quite long time, such as Baiqiao Tang, Hongbin Yuan, Baosheng Guo, etc., were all ironically stepped into the “pseudo pro-democracy activists in pro-democracy movement” by Guo eventually, after they left him.

160. It is worth noting that Xia is a well-established activist in the overseas Chinese pro-democracy movement and as a member of this group who work collectively in their own field and expertise in fighting for democracy and freedom in China in good faith.
161. In this sense, between individuals and the overseas Chinese pro-democracy community, they have such a mutual beneficiary relationship in working on an ultimate and universal goal in promoting China’s better future, that any support for what they are doing, spiritually and in material, is based on the reputation they gained in this social recognition. This nature also makes them, as a matter of fact, vulnerable badly to the reputation loss caused to either of them because they are sharing the same blood vessel, especially by the defamatory statements that might shake the public confidence of their social identities and moral standard in advocating the social support of their work, either collectively or individually.

In this case, Guo’s numerous speeches in public that targeted Xia, as a member of “eight big pseudo pro-democracy activists”, who are the typical sample of pseudo pro-democracy activists in overseas China pro-democracy movement, just caused a significant effect that any reputation loss of the whole overseas China pro-democracy movement, of other members of overseas China pro-democracy movement, would to large extent reflect onto Xia individually with the same impact.

162. That is a matter of fact that after Guo’s shifting firepower to overseas Chinese pro-democracy movement and many of its members, including Xia and other people in Guo’s ‘eight big pseudo pro-democracy activists’, his long-time defamatory statements have been wildly spread in public and did cause the undifferentiated loss of confidence of some of people in public towards Xia.

For example, some of Xia’s social media followers were misled to believe Guo’s year-long defamatory statements at some points and expressed the disappointment towards the overseas China pro-democracy movement and other members of this community, and subsequently got themselves away from Xia and Xia’s work, simply because Xia is an active member of this community, to which they had lost trust and confidence.

163. Furthermore, this mutual beneficiary relationship is different from the one in professional or academic field that Xia is also working on, in which individuals’ achievement and the goal of their organizations are separable and can be realized in the alternative way if the reputation of other is damaged.

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164. In Xia's case, the defamatory damages caused by Guo, either to Xia himself, or to the Chinese pro-democracy movement, does have mutual impacts and consequences. In this sense, Guo and his supporters/followers' numerous malicious, frivolous and repeated defamatory attacks to the Chinese pro-democracy movement as a collective identity, in which Xia is easily identifiable by the public by Guo's repeated reference of Xia, a member of "eight big pseudo pro-democracy activists" as the typical sample of pseudo pro-democracy activists in pro-democracy movement community, are also causing substantial damaging consequences to Xia.

165. On December 23, 2017, in a live streamed video Guo announced that his lawsuits against "eight big pseudo pro-democracy activists" were on the way. In this video Guo said *"...They are all people from Peking University. The animals from Peking University. Biao Teng, Incest Biao, Biao Teng is also from Peking University, isn't he? Biao Teng, is suspected of defamation, threatening to cause body harm, etc., is being sued. Incest Biao, the so-called human rights lawyer, is false and liar, how do you get so much money? The impression and activities of Biao Teng, his hypocrisy, his link with others, the source of his fund, and the things he told his wife, we will soon meet each other at the court. Biao Teng, you can write another article with more than ten thousand of words if you have guts to do so. The hazardous nature of this Biao Teng is huge, and he has the illegal interactions with lots of people. This is what I said in this video, you come and sue me if you have the gut to do so, alright? ..."*--Transcript in Chinese:

<https://www.bannedbook.org/bnews/guowengui/20171224/875436.html>

166. Through Guo's speech in this video, postings to social media accounts and websites, was posted to Guo's twitter account and to all the audience and viewers, as admitted in Guo's complaint, at the amount of near half million. This video is still available for viewing on social media platforms.

167. On December 23, 2017, Guo publicly offered a US\$100,000 award calling for "clues" or information of "sexual assault" by eight people who have critical opinions of Guo. Xia is among the eight people. In the video, Guo said: *"Sino (Xianmin Xiong), Hongkuan Li, Baiqiao Tang, and Yeliang Xia, these people, and that Incest Biao, and that Incest Biao, it is better that all of you unite together.... All these people in the past harassed females, indecently assaulted females and dallied with females.*

*Anyone who is willing to give me (information), is willing to co-operate with me to sue them, on the very day you signed the agreement with my lawyer, I will immediately give you one hundred thousand US dollars, with cash, and right way. I will take care of all the legal costs. Any other expenses such as accommodation, transportation associated with this matter, all*



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*would be on mine.....and you Incest Biao, you said you have the harmonious relationship with your wife before, I would like to see who is true and who is false. You are a person even cheat on your wife, how do you work out the democracy, rule of law and freedom. I will let all my twitter friends see clearly what sort of people you are after all. Look at yourselves, you are nothing. Comrades, just come together and come to me (for a legal fight)!"*

*"All people should remember, you can send me or posted on Twitter anytime you have tips (against them). You can also send it to Mr. Guo Baosheng, Mr. Pan Qing. Both can represent me completely. Or you can contact me directly. If you feel inconvenient to discuss it with men, you can contact Wuting[黄子茵] and let her represent me to take care of the case. Sorry, I haven't got her approval yet. And then my attorneys will meet you. Up until now, I have found 4 people, three of them already accepted, while one of them is still hesitating, and two of them have received \$100,000. We have done this for couple of months now."*

--See, <https://youtu.be/9fzY7z0bgdw> (20:00 – 23:20) posted by Guo on Nov 21, 2017, Transcript: <https://myanniu.com/?p=2336>

168. With Guo's frequent statements in his other live-streamed videos, such as "those pseudo pro-democracy activists, cheating to get money and sex" in context, in this video Guo strongly implied that all eight persons he mentioned, including Xia, are all sex offenders.
169. Disturbingly, about 1 or 2 Weeks after Guo's this video, two of Guo's key gang members, Baosheng Guo and Yan Zhao, made a live-streamed interview on Baosheng Guo's twitter account @milpitas95035 with a female who claimed herself the victim of sexual offence by Yeliang Xia in a restaurant in LA seven years ago.
170. In this interview, this female hid her identity by blurred image in front of the camera but stated in details of the incident. There is no further update about who and where the female is after the interview made public by Baosheng Guo. while Yeliang Xia denied this absurd allegation absolutely, and people found numerous doubts in this video and few believe the absurd story and accusation.
171. Ironically, that key follower, Baosheng Guo, turned a guy of defection against Guo later in May 2018. Guo recently brought defamation litigation against Baosheng Guo, in which it also revealed that Guo alleged that he had provided financial support around \$42,000 to Baosheng Guo to buy his support and in 2017 and early 2018 and requested the refund of this money in this litigation.

Baosheng Guo, the former accomplice of Guo who actively fought "eight big pseudo pro-democracy activists" on behalf of Guo, admitted in his twitter and YouTube accounts that

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he only received around US\$24,000 from Guo. Baosheng Guo is now counterclaiming Guo for defamation. –See <https://youtu.be/LLyZtVciDHE?t=198>(3:19–14:16) (Published on May 11, 2018) .

With Guo's instruction and financial support, Baosheng Guo contacted a lady and helped with fabrication of video interview accusing Xia of a sexual assault in LA in October 2011. Baosheng Guo told someone close to Xia that he felt sorry for what he had done to Xia and he was willing to be a tainted witness when needed in court.

172. On information and belief, Guo has defamed, cursed Xia directly at least one hundred and fifty times in his live-streamed videos for the past year and half, such as “*Xia is an animal, he's even worse than a dog...*”

173. Guo said all these things **with clear intent and actual malice** to convey the information in the public. Guo knew and should have known that he has no facts to support his remarks. Guo knew this statement and/or implication is entirely false and defamatory. All these statements in this kind are intentionally and/or recklessly made by Guo, **without any authorizations and privilege, but with the actual malice to inflict emotional distress, humiliation and suffering flowing from the reputational damage of Xia.**

**Guo and Guo's organized campaign targeting Xia and pro-democracy movement collectively**

174. While Guo might be single-handed in playing his “secret exposure” drama, his defamation campaign towards the overseas Chinese pro-democracy movement and its members are undoubtedly master-minded, instructed and solicited by Guo and his “little ants” supporters/followers who receive his instructions, financial supports and assistance, especially after Guo's allegiance letter to Chairman Xi on August 26, 2017.

175. After Guo's request, on January 14, 2018, the core member of Guo's gang at that time, Baosheng Guo (郭保胜), posted the correspondence details of National Endowment for Democracy in his twitter account, and added suggestions in writing that the letters (emails) shall be correctly addressed to the person(s) who oversee China projects.

--See, <https://twitter.com/milpitas95035/status/952939609238814721>

176. It is this same Baosheng Guo, in later time, with another core supporter of Guo, directed a live interview with a female who alleged Yeliang Xia of sexual offences, after Guo's public rewards for “eight big pseudo pro-democracy activists”. It is already revealed by Guo that Guo Baosheng had arranged this female to Guo for the reward and conducted the video interview, and Guo provided financial support to Baosheng Guo in 2017.

177. On June 30, 2018, Guo said to the effect: “*It is Baosheng Guo who introduced the woman*



*who accused Xia Yeliang of sexual assault. ... Baosheng Guo asked me for \$100,000. I don't know if she received the money. Later the video was out. The woman got \$10,000, and Guo Baosheng got \$1,000."*

--See, [https://www.youtube.com/watch?v=pdOONRsuM98\(27:14-29:10\)](https://www.youtube.com/watch?v=pdOONRsuM98(27:14-29:10)).

178. It is also worth noting that both Baosheng Guo and Guo denied any finance link between them in early 2017. But when Baosheng Guo turned against Guo, both Wengui Guo and Baosheng Guo admitted the money transactions they previous denied.

179. This is not the only case showing that **Guo has a history of paying people for publicly supporting him and/or defaming his criticsers.**

180. In another example, Guo repeatedly facilitated his supporter, Qinmin Jin (aka 盲流子 Mangliuzi, twitter@laohuhanshan), on his social media account verbal assaulting many people who are the criticsers of Guo, and in at least one extreme case, even considered the crime committed in real world. Guo intentionally solicited Qinmin Jin by providing the true ID document to Qingmin Jin, with the clear knowledge that this person is committing the potential crime of political persecution in violating of US laws.

--See, <https://www.youtube.com/watch?v=iID-CTd5EbA>

181. Qingmin Jin once even personally went to the home address of Baiqiao Tang (one of 'eight big pseudo pro-democracy activists', formerly an accomplice of Guo) and was arrested by police onsite and charged with the suspect of terrorism activity. This supporter was sued by some people and issued injunctive order for 5 years.

182. Guo in a live-streamed video in July 2018, however in public speech admired Qingmin Jin for his behavior, and provided finance inducement to this person to further conduct online verbal abuses towards Hongkuan Li, another person in the "eight big pseudo pro-democracy activists". Subsequently, this Qingmin Jin on the following days, on his live streamed videos in his twitter account, used insulting words to curse Hongkuan Li, and even conducted a funeral for Hongkuan Li at his home, which is considered very rude and offensive in public view, especially in Chinese traditions.

--See, <https://www.youtube.com/watch?v=TSLT6r4IM8k>  
<https://www.youtube.com/watch?v=O1ujql5FxDY>

183. Many more material facts show that Guo Paid a lot of money to his accomplices, including but not limited to, \$1 Million to Zhao Ming and Australia team, \$4,500 Monthly to Zhuang Liehong, \$170,000 to Xiang Lin and Japanese team for Car Parade, \$20,000 and other benefits to Guo Baosheng, and Lai Jianping and Tang Baiqiao.

--See, [https://youtu.be/2zVFzrfDknw\(3:51--5:40\)](https://youtu.be/2zVFzrfDknw(3:51--5:40)) (Published on April 26, 2018 by Guo TV)  
[https://youtu.be/wiANR8JChNk\(1:04:55--1:08:35\)](https://youtu.be/wiANR8JChNk(1:04:55--1:08:35)) (Published on Jul 15, 2017)  
[https://youtu.be/IUOdsDtWi08\(0:00--0:43\)](https://youtu.be/IUOdsDtWi08(0:00--0:43)) (Published on Feb 23, 2018)  
<https://twitter.com/ZhaoMingObserve/status/992916713996935169>  
[https://www.pscp.tv/w/1PIKQXmgIAvxE\(37:03-37:36\)](https://www.pscp.tv/w/1PIKQXmgIAvxE(37:03-37:36))



<https://youtu.be/wJHRnJCQ7Q?t=79> (1:18-3:22) Published by Lu De on May 12, 2018)  
<https://youtu.be/rokBjYujdb0> (0:00 - 0:15) Published on Feb 21, 2018 on Guo.media  
<https://twitter.com/xianglin8964/status/969115013435686912>  
<https://www.Guo.media/posts/70344> Posted by GUO on GUO.MEDIA:  
<https://youtu.be/IXfEW-JX0qg>(22:53-23:09) Published by Baosheng Guo on Feb 13, 2018

184. In May 6, 2018 live-streamed video, 昭明/Zhaoming, one of Guo's key accomplices, stated that *"Mr. Guo has repeatedly expressed that he would spent all of his \$20 billion for his exposure revolution. He is serious. Guo told me that he would give me \$10 million even \$100 million if \$1 million is not enough for me. This is Guo's goodwill. Today, I tell you all that I already received it right after Guo posted on Twitter, which said that he sent \$1 million to Zhao Ming and to the Guo's Endorsement of Australia. Right after I woke up, I found my bank account already got the money."*

--See, <https://www.pscptv.com/w/1PIKQXmglAvxE>(37:03--37:36)

185. In a recorded conversation in or about May 2017, Guo told Zhaoming that *"Remember, never give them too much money, never feed them too full. Anyone who is too full cannot be trusted. In other words, a hungry fighter is more loyal, right? If he wants too much, such as houses and cars, we will not give them. We are not that foolish."*

--See, <https://www.youtube.com/watch?v=iOt6tue7f8U> (0:26 - 3:10)

186. In the May 12, 2018 live-streamed interview with Lu De, QiuYueshou, another key supporter of Guo, stated that *"Per requests from Guo's team in Australia, I was involved in the financial related issues to monitor and management issues. Frankly speaking, I am not specialized in that area. I know nothing about the \$150K transactions. But I know that Guo did sent \$1 million to us. However, due to my mistakes, we haven't received it yet. I can also confirm that the Guo's Endorsement in Australia did receive \$100K from Guo."*

--See, <https://youtu.be/wJHRnJCQ7Q?t=79> (1:18--3:22)

187. On February 21, 2018, Guo posted a notice through his account on GUO.MEDIA, stating that he paid \$170,000 to Xiang Lin, the head of Guo's Endorsement in Japan, for buying a Mercedes car, which was dedicated to do Chariot Parade in Japan to promote Guo's campaign. --See, <https://youtu.be/rokBjYujdb0> (0:00--0:15)

188. On May 6, 2017, in his live-streamed video on YouTube, Guo stated that *"I will pay \$100 million as award to buy case documents about Xiao Jianhua and any information about his case."* --See, <https://youtu.be/RaA6DVaXFwg> (24:15--26:08)

189. On May 1, 2018, Guo claimed on his YouTube account that there are **altogether 171 Transactions** he paid to his accomplices.

--See, <https://youtu.be/fG6BifnT6E?t=2238> (37:18--37:44) Published by Wengui Guo

190. All these people who accepted Guo's money, such as Guo Baosheng, Zhao Ming, Zhao Yan, Zhuang Liehong, Tang Baiqiao, Lai Jianping, Xiang Lin, etc., were active in spreading Guo's

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words and defaming Guo's criticsizers, including Xia.

191. Guo not only used his money to buy people to do illegal activities for him, but also recruited accomplices through a **Ponzi-like fraudulent scheme**. On March 17, 2017, Yang Jian'ao, another key member of Guo's gang, sent an email to Guo, asking for roughly about \$1 million from Guo. As exchange, Yang promised to do whatever Guo would ask him to do. Since then, Guo has paid some bills for Yang, and thus has made Yang Jian'ao a servile follower of Guo.

On October 26, 2017, Guo published a video recording of himself to his YouTube account, wherein Guo described his plan of confiscating \$200 trillion of Corrupted Chinese officials' properties. He also gave a sharing plan for those \$200 trillion assets: 50% of it would be shared by all members of the Guo Fan Club, and the other 50% would be used and managed by Guo's Endorsement Association.

--See, <https://youtu.be/uT-WsV7eThU> (1:00:50–1:02:00)

192. Guo even called for **using guns** to support Him. In or about July 2017 Guo said, *"Many of my supporters have guns, grenade, and weapons. ...No one can control it.... All of your family members, assets, lovers, children, are all in abroad. You don't allow us to go back, or kidnap our family members, your children are here. How can you stop us to do the same thing to you? How can you know that we dare not to do that? You must know that we can make your family members painful. That will happen soon or later. (46:09) No one can stop us to do it. No one can stop it. You must pay high attention to it. This is a new concept."* Following that, Guo' supporters Zhuang Liehong, Jin Qinmin and Zeng Hong started training camps for "Gun Party" in New York.

--See,

<https://youtu.be/O7uukCbAMg?t=2694> (44:56--45:54) (46:09 --46:19) (GUO's original video was posted much earlier and was deleted)

<https://youtu.be/RKzi7rosP1c> (0:24-1:10) (Published by 零点时刻 on Aug 7, 2017)

<https://www.youtube.com/watch?v=iOt6tue7f8U> (0:26 - 3:10) (July 20, 2017)

<https://twitter.com/Guomiles/status/894323002514571264>

<https://twitter.com/kiddjoneke/status/888207942457196544> July 20, 2017

<https://twitter.com/ziwen530/status/957391992643731457> On or about Nov 24, 2017

193. On March12, 2018, Guo stated on his Guo.media that *"Recently I have received many documents and some of them have been paid. Thank you all very much for sending them. However, some people sent me USB but can't be opened, and some doesn't have solid evidences."* --See, <https://youtu.be/fYJa4aJz63s>

194. A twitter user Furuidemu (aka Geng Shaokuan, twitter account @furuidemu101) disclosed that he was cheated by Guo to forge documents and materials for Guo. Guo paid Furuidemu 40,000 yuan for 6 videos.



--See details:

<https://www.youtube.com/watch?v=t8zuinUwJTs&feature=youtu.be>  
[https://www.youtube.com/watch?v=E5MkTbRVS\\_gand](https://www.youtube.com/watch?v=E5MkTbRVS_gand),  
<http://news.sina.com.cn/c/nd/2017-09-03/doc-ifykpuui0544712.shtml>

195. Since 2015, Guo launched cyber-attacks against some news websites, including the U.S. based Boxun.com and China based guba.com.cn. In and after 2015, Guo and his assistants repeatedly harassed/threatened journalists Wei Shi and SINO and requested Boxun to delete all the postings about Guo. Boxun got evidences that it was Guo who initiated cyber-attacks against Boxun. Boxun then reported to FBI.

--See details in the lawsuit Sino v. Guo in New York (Index #100709/2018),  
 and <http://www.boxun.com/news/gb/china/2015/01/201501260237.shtml>

196. In a record published on or about July 30, 2017, Guo said, *"It would be better to find his home, deliver something to him every day, better to do it at midnight. Knock on his door. Every day, or in the early morning at 6AM or 7AM.*

*Damn it! I will do it every day. I would be happy to pay for it. It is just \$3000 for one day and one person. Just go to his home, make him sleepless every day, every day. Remember, it will be never ended until Wei Shi is sent to jail, until Boxun is closed. Their family members would never be free from harassment until Wei Shi and SINO are sent to jail. They should pay back with absolute cost for what they have done to me."*

--See, [https://youtu.be/LlizaR3NeRk\(0:00-0:36\)](https://youtu.be/LlizaR3NeRk(0:00-0:36))

197. On March 6, 2017, Guo asserted on Twitter that *"Wei Shi, Sino and their boss must be **executed**. They are evil threats to Chinese abroad and must be **eradicated**. It's only the beginning."*

--See, <https://twitter.com/GuoMiles/status/838194385825247232>

198. On March 3, 2017, several agents sent by Guo followed/monitored Weishi (Mr. Meng Weican) to his home, and Wei Shi spoke to them and took pictures of their car, with plate number "CAH-5921". Guo also repeatedly sent his agents/supporters to Sino's and Liu Gang's home located in Flushing. On March 4, 2017, Weishi confirmed that it was Guo who sent people to go to Sino's and Wei Shi's home. --See, [https://youtu.be/bEB7C4OzFr0\(11:10-11:19\)](https://youtu.be/bEB7C4OzFr0(11:10-11:19))

[https://youtu.be/pDDRZ-NTwSE\(0:58-1:22\)](https://youtu.be/pDDRZ-NTwSE(0:58-1:22))

<https://twitter.com/GuoMiles/status/838029241623195648>

199. On December 27, 2017, Sun Yan, a member of Guo's gang, caught and hold Sino (Mr. Xiong Xianmin) and poured a bottle of beer over Sino's head. Sun Yan shouted to Sino that *"I will beat you to death if you criticize Guo again."* Then Sun Yan slammed his beer bottle on the wall to make it a sharp weapon like a knife and used it to attack Sino. On February 18, 2018,



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Sun Yan threatened to beat Liu Gang and Sino, shouting at them that he would beat Liu and Sino to death if they dare to criticize Guo at the meeting.

--See the complaints of Sino v. Guo in New York (Index #100709/2018)

200. Xia is a victim of Guo and Guo's supporters/followers' online behavior. Xia at least on three occasions received **online death threatening** from Guo's gangs, and need not to mention numerous replies to Xia's social media accounts with all sorts of offensive language from Guo's "little ants" cyber army.

201. On February 8, 2018, GUO's supporter @ywxx3 stated: "***The following evils need to be destroyed and killed: SINO, Wei Shi, Chen Jun, Yuan Jianbin, Hu Ping, Li Weidong, Xia Yeliang, Liu Gang, Teng Biao, Tang Baiqiao, Li Hongkuan, Chen Chuangchuang, Cheng Binlin, Huang Hebian, Dong Fanglai, Meihouwang, Lao Zhongyi, Han Mei, Shan Lin, Xia Duo, .....All comrades are free to add more to the list.***"

--See,

<https://twitter.com/ywxx3/status/960772952764571648>[https://twitter.com/lvv2\\_robot/status/960830473466507266](https://twitter.com/lvv2_robot/status/960830473466507266)Reposted on: 2018-02-08

202. On November 7, 2017, another accomplice of Guo, Changqing Cao, who is still one of few supporters of Guo from the beginning, made a two-hour long live-streamed video on his YouTube account, obviously echoing Guo's view against the article written by Teng in "China Strategic Analysis" magazine. In this video, Changqing Cao in defending Guo, made comments on Teng and mainly described Teng as the person who forged the title of human rights lawyer, unethical academic, fake overseas pro-democracy activist but the real agent who carries the special tasks to undermine Guo and his great fight against China regime.

--See, <https://www.youtube.com/watch?v=2sQFoY1dmt8>

transcript: [http://chinatwtparty.blogspot.com/2017/11/blog-post\\_10.html](http://chinatwtparty.blogspot.com/2017/11/blog-post_10.html)

203. These incidents are only a tiny fraction of activities Guo and Guo's supporters/followers conducted during the past 18 months. But they already clearly showed that Guo is the leader of the chain of gangs in Guo's defamation campaign, and even had the real threat and impact on Xia in the real world.

204. In Guo's live streamed videos, Guo announced that he had tailor-made the "combat cap" with Guo's "revolution of secrets exposure" logo. In following live streamed videos, Guo showed the caps in the video and urged his gangs to wear the cap in fighting with the pseudo pro-democracy activists.

These caps were then distributed to his gangs and frequently worn in their respective videos or pictures in their social media accounts when they are continuing the smear campaign against Xia and other members of overseas China pro-democracy movement. In a recent live streamed video made by Guo, Guo also announced that he was spending \$70 million in

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making the "combat uniform" for his followers and would be soon ready for distribution.

205. Xia's experience is never the single case and many other people who are active in overseas China pro-democracy movement have been experiencing the similar situations as Xia, and some are even worse.
206. As a matter of fact, this phenomenon cannot be explained in consistent with Guo's Chinese political dissident self-claim at all and not supporting of his application of political asylum in US submitted on September 7, 2017 (please note that Guo entered the US border in 2015, he had never applied political asylum during his long stay over two years).

All materials facts point to and logically linked to Guo's public pledge of loyalty to Chinese president Xi Jinping on August 26, 2017, especially Guo and his chain of gang's conduct afterwards.

**Guo's Strategic Lawsuit Against Public Participation**

207. Guo is a notorious fugitive billionaire wanted twice by Interpol with red notice and voluntary public figure.
208. Xia is a scholar, political dissidents (a long-term advocate for individual liberty, constitutional democracy and rule of law in China) and one of the first group of signees for Charter 08 and researcher in China Studies. Xia is also a frequent guest speaker and commentator for many media and regularly give comments and opinion on political and economic news issues on China that attract audience's attention.
209. Xia's statements and comments about Guo were based on public information including media's reports and articles both in China and overseas (NYT, WSJ, WP, BBC, AP, Caijing magazine, etc.) and Xia believed they were basically true, and Xia specified the resources of information and quoted in many occasions. Xia absolutely had no malice and Guo has not proved the existence of actual malice.
210. Because of Xia's suspicion and questioning on his so-called exposure of top confidential information and astonishing yet absurd stories on top leaders' bastards with numerous movie stars, or Wang Qishan (one senior leader with the position of vice president of PRC now) controlled fortunes equivalent to the amount of one third of China's GDP.

Guo and/or his gangs, under his instruction, support and encouragement, waved an online defamatory campaign against Xia, in retaliation of Xia's right of speech. Guo and/or his gangs also used the social media platforms verbally assaulted and/or harassed Xia on numerous occasions, in extreme cases, **death threats**. All these activities are designed to inflict Xia's emotional distress, anxiety, humiliation and reputation loss, etc.



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211. In November 2017, Guo in his live streamed video posted his defamation litigation plan against Xia and other "eight big Pseudo dissidents", threatening legal actions in SLAPP type, with the actual malice to cause chilling effect and silence Xia's criticism.

212. In December 2017, Guo provided rewards in public to make impression in public that Xia and others are the sexual offenders, emphasizing that Xia had many sexual offences including female students at Peking University in Beijing, with the actual and obvious malice to cause Xia's reputation loss, uncontrollable indignation, emotional distress, anxiety, humiliation, etc.

213. On Feb 8, 2018, Guo said in his video speech through his YouTube account: *"Ah, everyone will see, ah, and legally, I will let you taste the serious consequences of American law. As far as you are concerned, Yuan Jianbin, regarding your Li Hongkuan stinking nature. The only power in the United States is the law. The law plus money, can destroy anyone. The law plus money and plus justice, it is invincible plus invincible. Ah, hey, we will see!"*

--See, <https://youtu.be/Y6o1fF1NXKY> (5:28-6:01)

214. On February 14, 2018, Guo brought a malicious and frivolous defamation lawsuit against Xia as a harassment tool in retaliation of Xia's right of free speech and tried silence Xia's criticism.

215. Guo's claim in the complaint is lack of legal and/or factual bases.

216. Before the threatening and the filing of defamation litigation against Xia, Guo had never tried to discuss with Xia about the legal action, nor had Guo demanded any attorney's letter to be sent to Xia as a pre-litigation attempt to solve the dispute.

217. Guo has the actual malice to take his financial advantage to cause Xia special frustration, anxiety and grievance, including but not limited to, raising burden of legal costs and emotional distress, simple exhaustion etc.

218. Guo on multiple occasions in his live-streamed video, stated to the effect in public *"those pro-democracy activists, they are as poor as beggars that even could not feed themselves"; "let them come to sue me, do they have the money to hire lawyers? Do they have money to write the complaint? They can't afford the lawsuit cost even if they sold their ancestors' coffins and get the money accumulated", etc.*

219. It is obvious that such defamation lawsuit is frivolous. Through Guo's attorney, Guo knowingly and intentionally filed this SLAPP type lawsuit against Xia.

220. **Guo has a documented history of filing SLAPP type lawsuits in the United States against his critics.** Guo has brought a dozen of defamation lawsuits against people who criticized

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Guo. On information and belief, each defendant in the lawsuits denied the allegations and entered defense. Most defendants in respective lawsuits brought counterclaims of defamation against Guo.

In addition, Guo publicly threatened to sue up to 91 people, most of whom are journalists, scholars, human rights activists and bloggers who have commented and criticized him. The lawsuits filed by Guo in the United States and Canada alone include, but are not limited to, the following:

- a. On January 26, 2018, Guo sued Li Hongkuan for defamation in Maryland District Court, case number: 8:18-cv-00259-PWG. Li Hongkuan was sued for his comments on Twitter and YouTube.
- b. On February 14, 2018, Guo sued Xiong Xianmin for defamation in New York County Court, Index number: 151430/2018. Xiong is a journalist working for Boxun.com, an internet media which is popular among Chinese human rights community. Xiong wrote articles and tweets on the true history of Guo's involvement in corruption, rape, sexual assaults and other crimes.
- c. On February 15, 2018, Guo sued Prof. Xia Yeliang for defamation in Virginia District Court, Case Number:1:18-cv-00174-LO-TCB. Xia Yeliang was a professor at Peking University and fired for his political opinions critical of the Chinese Communist Party. Xia commented and criticized Guo on TV programs of Voice of America, Radio for Free Asia, Boxun (an overseas media based in NYC), twitter and other social media.
- d. On March 15, 2018, Guo sued Roger Stone for defamation in United States District Court, South District of Florida, case number: 1:18-cv-20983-JEM. Roger Stone is a political commentator, political consultant, and strategist.
- e. On March 20, 2018, Guo sued Chen Jun for defamation in New Jersey District Court, case number: 2:18-cv-03800-MCA-MAH. Chen Jun is a veteran Chinese dissident and the reason he was sued is he wrote some tweets to criticize Guo.
- f. On July 4, 2018, Guo sued Gao Bingchen (aka Huang Hebian) for Defamation in the Supreme Court of British Columbia in Vancouver, Case number: S187450. Gao Bingchen has been a journalist for 34 years. Guo sued Gao for his several political comments on twitter.
- g. On March 20, 2018, Guo Sued Yuan Jianbin for defamation in US District Court Central District of California, Case number:2:18-cv-02276-SVW-JC. Yuan was a pro-democracy Chinese entrepreneur and detained and tortured in a Chinese prison and eventually exiled in the United States. Yuan was sued for his twitter comments on Guo between January and March 2018.
- h. On August 9, 2018, Guo Sued Cheng Shuiyan and Mark (a/k/a Yong Fang) for defamation in US District Court Clark County Nevada, Case number: A-18-779172-C.

221. In most of the cases brought by Guo in various jurisdictions across US, the first 110

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paragraphs of his respective complaints are nearly identical, which serves for nothing but only aim to making Guo up as a Chinese political dissident. These 110 paragraphs were also the copy/paste from his asylum visa application documents with only minor alterations. Apparently, the plaintiff Guo is a true believer and live successor of Paul Joseph Goebbels in his famous quote *"If you tell a lie big enough and keep repeating it, people will eventually come to believe it."*

222. In the process of Guo's defaming campaign and SLAPP type lawsuits against his critics including Xia, Guo takes advantage of his huge amount of wealth, which, upon confirmed information and belief, Guo gained from blackmail, fraud, corruption, money laundering, overseas expenditure for spy assignments, and other criminal activities. The motive aim and effect of Guo's series lawsuits **are to stifle the First Amendment rights of the respective defendants.**

223. It is worth noting here that all related facts in this counterclaim are not complete, because of Guo's complex history and immense defaming campaigns. Xia hereby seeks permission of this court to allow further amendments of the facts/evidences as to all or part of the following issues, if it is necessary to further and properly assist this court in delivering fair justice, if the court thinks fit and proper.

- 1) Guo's history/background, especially as a spy or foreign agent working for the Ministry of State Security (MSS, an organization sending spies abroad to acquire confidential information or assign special task including approaching to targeted persons, kidnapping, murder, etc. Similar to KGB of former Soviet Union);
- 2) Guo's crimes and illegal activities in China, U.S., and other countries;
- 3) Guo's defaming campaigns, and SLAPP type lawsuits, especially those targeting Xia and nearly two dozens of other pro-democracy political dissidents and activists;
- 4) Guo's gangs/followers' harassment/defamation against Xia and other pro-democracy political dissidents and activists;
- 5) Guo's statements which have been proven false.

### Cause of Actions

Xia incorporates by reference all preceding and succeeding paragraphs of this Amended Counterclaim as if set forth fully herein.

#### First Cause of Action (Defamation *per se*)

224. Guo declared in his video speech <https://youtu.be/-ZTufyUs8F0> that Xia and Li Hongkuan both got HPV (Human papillomavirus, an infectious disease sexually transmitted) and in the result, caused many women into



carcinoma of uterine cervix, which is no doubt untrue and maliciously fabricated.

In fact, Guo's allegation constituted a defamation per se according to the existing code, "to prove slander, which is verbal, the communications must charge plaintiff with a crime, imputes him with an "infectious, contagious, or loathsome disease", or "impotence or want of chastity", or tends directly to injure plaintiff in his occupation". See Cal. Civil Code section 46.

According to Virginia law, When Guo imputed Xia brought about infection with some contagious disease, he proves his misconduct to be defamation per se.

<https://www.robertslaw.org/slander-libel-defamation.htm>

225. Guo also alleged that Li Hongkuan got AIDS.

226. These statements have **damaged Xia's reputation** among the mass audience, and have caused them to associate Xia with sexual depravity, has unjustified fortune, illegal activities in association, double side life and an agent disguised in overseas -pro-democracy movement, work to undermine the overseas pro-democracy movement, etc. Xia even received death threats for several times from Guo's gangs.

227. Guo's statements severely confused or misled many of Xia's followers, supporters, friends in a general sense, making them skeptical of Xia's past human rights and pro-democracy work and personal morality, such as Zhao Shilin, Guo Yuhua, and many others.

228. One example among many, a political cartoonist A Ping based in Hong Kong, drew at least two cartoons and publicized them on his twitter account @apinkcartoon, with a disgusting image of Xia's face surrounded by hemorrhoids, smearing Xia is a "50 Centers" (Internet commentators hired by Chinese authorities in an attempt to manipulate public opinion to the benefit of the Chinese Communist Party)....

--See, <https://twitter.com/apinkcartoon/status/928627589782028289>

<https://twitter.com/apinkcartoon/status/928655520705032192>

On July 29, 2018, A Ping apologized publicly to Xia and other people, for smearing them by cartoons, after he realized he had been cheated by Guo.

--See, <https://twitter.com/apinkcartoon/status/1023443804936794112>

**229. Guo knew of the falsity of these statements at the time he made them or was reckless and indifferent as the falsity of these statements.**

230. Guo made these statements with the intent of maliciously damaging Xia's reputation as a renowned scholar and pro-democracy activist in his professional, academic position and the contribution in the society, harming his capability in professional, academic promotion and financial interests in his work, and to induce others to not provide opportunities and support to Xia's career and research work.

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- 231. Guo had neither the authorization nor the privilege to make such statements.
- 232. As such, Guo false statements are actionable without proof of special damages.
- 233. By engaging in the above conduct, Guo acted with malice, oppression and/or fraud, entitling Xia to punitive damages.

**Second Cause of Action  
(Defamation)**

- 234. Xia incorporates by reference all preceding and succeeding paragraphs of this Amended Counter claim as if set forth fully herein.
- 235. Through speech, postings to social media accounts and websites, and various other writings, Guo has falsely and with malice repeatedly defamed Xia, including but not limited to statements meant to convey
  - (1) Guo accused that Xia had raped several female students at Peking University, Beijing, and Xia had installed many video cameras in the dorm rooms of female students on campus in the aim to peep their naked bodies;
  - (2) Guo asserted that Xia is not a pro-democracy activist, but one of eight persons list at the top who disguised himself in overseas as a political dissident, sneaked into the community of pro-democracy activists, cheating people for money and sex;
  - (3) Guo alleged that Xia was fired by a US think tank for he took tourists from China to the office building for sightseeing and collect money from the tourists;
  - (4) Guo asserted that Xia got a lot of money from NED (National Endowment of Democracy) through application for project funding, which is untrue and maliciously fabricated. Xia has never applied any funding from NED.
  - (5) Guo alleged that Xia owns 12 real estate properties, he asked: how could possibly he make so much money? Xia is a spy sent by Wang Qian (one of the top leaders in China, now the vice president of PRC), and his properties are all gifts and reward from Wang Qishan.
  - (6) Guo claimed that he has the verified sources in making such statements, etc.
- 236. These statements have severely harmed Xia's reputation among the mass audience, and have caused many of them to associate Xia with sexual depravity, has unjustified fortune, illegal activities in association, double side life and an agent disguised in overseas -pro-democracy movement, work to undermine the oversea pro-democracy movement, etc.
- 237. Guo knew of the falsity of these statements at the time he made them or was reckless and indifferent as the falsity of these statements.
- 238. Guo made these statements with the intent of maliciously damaging Xia's reputation, in particular, his reputation as a renowned scholar and pro-democracy activist in his professional, academic position and the contribution in the society, harming his capability in professional, academic promotion and financial support in his work, and to induce others to not provide opportunities and support to Xia's career and research work.

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**239. Guo had neither the authorization nor the privilege to make such statements.**

240. Because of Guo's above-described conducts, Xia has suffered loss to reputation, shame, mortification, hurt feelings, anxiety and fear for his life, all to his general damages, in a monetary amount to be determined at trial.

241. By engaging in the above conduct, Guo acted with malice, oppression and/or fraud, entitling Xia to punitive damages.

**Third Cause of Action  
(Intentionally inflicting emotional distress)**

242. Guo made and circulate the false statements and other insulting, offensive, curse words in his statements, with the intent to cause severe emotional distress to Xia, or at the least, they have made these statements while recklessly disregarding the substantial likelihood that they would cause Xia to uncontrollable indignation, frustration and emotional distress.

243. These statements have been read, viewed, and heard by countless individuals. Repeated publishing of these false statements regarding Xia **constitutes extreme and outrageous conduct.**

244. In addition, Guo's conducts are extreme and outrageous due to his pattern of doing intentional infliction of emotional distress to many other people, and inciting/buying/soliciting/abetting other people to defame/ harass those he was targeting at and determined to destroy.

245. Xia had been persecuted by the Chinese regime of state-party and its officials due to his advocacy for individual liberty, constitutional democracy and rule of law, with the heroic image of outspoken public intellectual and pro-democracy activist identity.

246. Xia was forced to leave China and settled down to start a new life and career in US. Xia has been suffering from Guo's extreme and outrageous smear as it is the triple harm (emotionally, physically and financially) and unprecedented persecution from Guo and his gangs.

247. Having suffered from Guo's insult, harassment and intimidation with group attacks, Xia felt unsafe and distractive with Guo's constant harassment and retaliation given the background and experience Guo possesses with his strong connection to the Ministry of State Security (China's secret police, similar to KGB) and Guo's rich and long criminal history.

248. As of the late September 2018, Guo continues his defamatory statements against Xia frequently.

249. Because of Guo's above-described conducts, Xia have suffered loss to his reputation, mortification, hurt feelings, inconvenience, mental anguish, loss of enjoyment of life, fear



Xia's Amended Counterclaim

for his life, and other non-pecuniary losses, in a monetary amount to be determined at trial.

250. Guo's conducts alleged herein are intentional, oppressive, fraudulent, and malicious, and are in conscious disregard of Xia's human rights, such that punitive damages should be imposed at Guo.

**Fourth Cause of Action**  
**(Filing a frivolous Lawsuit in Violation of NJ Rev Stat § 2A:15-59.1 (2013))**

251. In November 2017, Guo in his live streamed video posted his defamation litigation plan against Xia and other "eight big pseudo pro-democracy activists", threatening legal actions in SLAPP type, with the actual malice to cause chilling effect and silence Xia's criticism.

252. In December 2017, Guo provided rewards in public to make impression in public that Xia and others are the sexual offenders, with the actual malice to cause Xia's reputation loss, emotional distress, anxiety, humiliation, etc.

253. On February 14, 2018, Guo brought a frivolous defamation lawsuit against Xia as a harassment tool in retaliation of Xia's right of free speech, tried to silence Xia's criticism and put Xia in financial and emotional distress of the high legal costs.

254. Guo's claim in the complaint is lack of legal and/or factual bases. The complaint was commenced, used or continued in bad faith.

255. Before the threatening and the filing of defamation litigation against Xia, Guo had never tried to discuss with Xia about the legal action, nor had Guo caused any lawyers letter to be sent to Xia.

256. Guo has the actual malice to take his financial advantage of Xia's to cause Xia special grievance.

257. Guo on multiple occasions in his live-streamed video, stated in public "*those pro-democracy activists, they are so poor that even could not feed themselves*"; "*let them come to sue me, do they have the money to hire lawyers? Do they even have money to write the complaint?*", etc.

258. As stated in Xia's affirmative defense:

1) Guo is a voluntary public figure.

2) Xia's statements and comments about Guo were true and based on facts, verdict, official documents and authoritative media reports.

3) Xia absolutely has no actual malice and Guo has not proved and is not able to prove the existence of actual malice.

259. It is obvious that such defamation lawsuit is frivolous. Through Guo's attorney, Guo knowingly and intentionally filed this SLAPP type lawsuit against Xia.

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260. Guo has a documented history of filing SLAPP type lawsuits in the United States against his critics. On information and belief, each defendant in the lawsuits denied the allegations and entered defense. Most defendants in respective lawsuits brought counterclaims of defamation against Guo.

In addition, Guo publicly threatened to sue up to 91 people, most of whom are journalists, scholars, human rights activists and bloggers who have commented and criticized him or merely raise some questions in suspicion of his made-up stories and allegations to numerous public figures.

261. Upon information and belief, all the above-mentioned lawsuits are malicious and frivolous. At least one of the abovementioned lawsuits brought by Guo against Jianbing Yuan had been dismissed at US District Court Central District of California, Case number:2:18-cv-02276-SVW-JC

262. Because of Guo's malicious and frivolous defamation lawsuit, Xia has suffered special grievance, including but not limited to, **raising burden of legal costs and emotional distress, simple exhaustion by defending the lawsuit, inconvenience, shifting concentration away from business, etc.**, in a monetary amount to be determined at trial.

263. By engaging in the above conducts, Guo acted with malice, oppression and/or fraud, entitling Xia to punitive damages.

**Fifth Cause of action  
(Malicious use of process)**

264. Alternatively, Guo's malicious and frivolous defamation lawsuit against Xia is the malicious use of process that results in Xia's suffering of special grievance, in a monetary amount to be determined at trial.

265. By engaging in the above conducts, Guo acted with malice, oppression and/or fraud, entitling Xia to punitive damages.

266. As a billionaire and an agent working for the Ministry of State Security in China, Guo is abusing American legal system to stifle Xia's First Amendment right. The purpose of Guo's malicious use of process is in retaliation for Xia's exercise of right of free speech.

--See, LoBiondo v. Schwartz, 323 733 A.2d 516, 534 (N.J. Super. Ct. App. Div. 1999).

267. Federal Rule of Civil Procedure 11 provides that a district court may sanction attorneys or parties who submit pleadings for an improper purpose or file claims that are **"frivolous, unreasonable, or without foundation."**

--See, EEOC v. Bruno's Restaurant, 13 F.3d 285, 287 (9th Cir. 1993)

**Sixth Cause of action**

**(acts performed as part of an ongoing criminal organization in Violation of RICO Act 18  
U.S.C. §§ 1961–1968)**

268. In Guo's raving and maniac campaign of defamation targeted Xia and other overseas Chinese pro-democracy dissidents, Guo has formed a chain of gangs and multi-national groups of coordination that are master-minded, instructed and solicited by Guo and his "little ants" supporters/followers who receives his instructions, financial supports and assistance, especially after Guo published his allegiance letter to Xi Jinping, the dictator in China on August 26, 2017.
269. With the chain of gangs, Guo instructed, provided financial support, financial inducement, material assistance to and manipulate his supporters/followers to conduct the defamation, harassment, political persecution, cyber-hacking, inflicting of emotional distress, etc., both on the internet and in the real world, against many overseas Chinese pro-democracy dissidents, including Xia.
270. The supporters/followers of Guo in this syndicate conducted these activities led and/or assisted by Guo. Guo even provided the ordered uniforms and caps with Guo's logo (a hawk) for these supporters/followers as a clear social identity of the members of this syndicate.
271. As the result, apart from numerous misdemeanors of defamation by Guo's gangs to Xia, Xia also received at least three death threats from Guo's gangs through social media.
272. Subsequently, Xia, the Defendant and the family members have been suffering mentally and physically from Guo's malicious and intentional attack (ad huminem), infliction of emotional distress as well as economic loss due to defamation to Defendant's reputation as an honest and upright scholar fighting for individual freedom and rights in China for some three decades.

Having suffered from loss to his opportunities to show up for certain events and news commentation for some media that previously invites Xia as a commentator or guest speaker regularly, Xia's reputation was smeared and impaired to some extent with asymmetric information among the mass audience while Xia suffered from amnesia, anxiety, scheduling difficulties and inconvenience, mental anguish, obsessive-compulsory disorder, partial loss of interests in daily life, worry and fear to contact strangers, partial loss of trust in others and confidence, frequent nightmare, insomnia, anorexia, and other pecuniary and non-pecuniary losses, in a monetary amount to be determined at trial.

273. By engaging in the above conducts, Guo acted with malice, oppression and/or fraud, entitling Xia to punitive damages.



### Pray of relief

274. WHEREFORE, Xia (Defendant/Counter-plaintiff) requests entry of Judgment in his favor and against Guo (Plaintiff/Counter-defendant) as follows:

- 1) Seeking an interlocutory order for preliminary discovery of Guo's identity;
  - 2) Seeking an interlocutory order that Guo put up a performance bond no less than \$ 5 million pending the trial, pursuant to RICO Act;
  - 3) Seeking an injunction enjoining Guo and his agents, servants, employees, bodyguards, and assigns, and all other persons in active concert or participation with them from further publication of any false, malicious, defamatory or materially misleading comments regard Xia;
  - 4) Seeking the issuance of a public apology and retraction of all the statements regarding Xia on all press, YouTube, Instagram and social media by Guo (Guo Media, a so-called media and notorious rumor machine owned by Guo and serves mainly for attacking and defamation of persons Guo dislike, should be shut down and forbidden its publication permanently).
- Xia, Defendant and Counter-plaintiff herein apply for injunction against Wengui Guo, Plaintiff/counter defendant must stop immediately defamatory attack (ad huminem) in written, video, audio and other forms. Violation to the ordered injunction must be punished with court summons, imprisonment and fine.
- 5) Xia, Defendant asks for TWELVE MILLION, TWO HUNDRED AND FIFTY THOUSAND OF DOLLARS (\$12,250,000) in injury and damage from Guo Wengui (aka Miles Guo). Seeking compensatory damages in an amount to be determined at trial, but no less than \$5,000,000;
  - 6) Seeking compensatory in an amount to be determined at trial that enough to punish and deter the conduct complained of herein, which should be no less than seven million (\$7,000,000);
  - 7) the costs and expenses incurred in this action including attorneys' fees; and
  - 8) such other and further relief as the Court deems just and proper.
  - 9) Xia, Defendant/counter plaintiff demands a trial by jury.

### CONCLUSION

275. FOR THE FOREGOING REASONS,  
Guo's complaint should be dismissed with prejudice and Xia granted the relief requested herein.

RESPECTFULLY SUBMITTED  
on September 21, 2018.

By

  
David Yeliang Xia  
Defendant/Counter Plaintiff  
3151 Graham Rd  
Falls Church, VA 22042

202-705-1588

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria DIVISION

Guo Wengui (AKA Miles Kwok)

Plaintiff(s),

v.

Civil Action Number: 1:18-cv-00174

David Yeliang Xia

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Amended Counter Claim.  
(Title of Document)

*Updated version on Sept 23, 2018*

David Yeliang Xia

Name of *Pro Se* Party (Print or Type)

[Signature]  
Signature of *Pro Se* Party

Executed on: Dec 3, 2018 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of \_\_\_\_\_.  
(Title of Document)

\_\_\_\_\_  
(Name of Attorney)

\_\_\_\_\_  
(Address of Attorney)

\_\_\_\_\_  
(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

\_\_\_\_\_  
(Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)